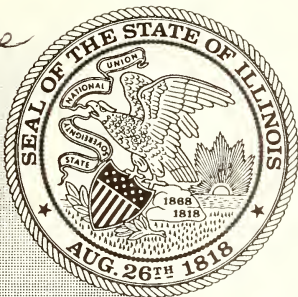


KFI  
1235  
A21  
Reserve

*S. Livingston*



**1998**

# ***Illinois Register***

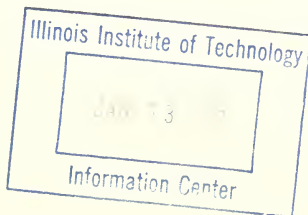
---

## **Rules of Governmental Agencies**

Volume 22, Issue 02—January 09, 1998

Pages 1,062 - 1,646

---



Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.sos.state.il.us>

published by  
**George H. Ryan**  
Secretary of State



Printed on recycled paper

TABLE OF CONTENTS  
January 09, 1998 Volume 22, Issue 2

PROPOSED RULES

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
Local Tourism And Convention Bureau Program	14 Ill. Adm. Code 550 .....
	1062

EDUCATION, STATE BOARD OF	
Evaluation Of Certified School District Employees In Contractual Continued Service	23 Ill. Adm. Code 50 .....
	1081

NUCLEAR SAFETY, DEPARTMENT OF	
Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories	35 Ill. Adm. Code 195 .....
	1088

POLLUTION CONTROL BOARD	
Organic Material Emission Standards And Limitations For The Chicago Area	35 Ill. Adm. Code 218 .....
	1091

PUBLIC AID, DEPARTMENT OF	
Medical Assistance Programs	89 Ill. Adm. Code 120 .....
	1103

PUBLIC HEALTH, DEPARTMENT OF	
Joint Rules Of The Illinois Environmental Protection Agency, The Illinois Department Of Public Health And The Illinois Department Of Nuclear Safety: Certification And Operation Of Environmental Laboratories	35 Ill. Adm. Code 190 .....
	1106

RACING BOARD, ILLINOIS	
Racing Rules	11 Ill. Adm. Code 1318 .....
	1109

REVENUE, DEPARTMENT OF	
Payment Of Taxes By Electronic Funds Transfer	86 Ill. Adm. Code 750 .....
	1113

SECRETARY OF STATE	
Uniform Commercial Code	14 Ill. Adm. Code 180 .....
	1117

TREASURER

Access To Information	2 Ill. Adm. Code 651 .....
Home Ownership Made Easy	74 Ill. Adm. Code 750 .....
Smart Money Program Confidentiality Requirements	74 Ill. Adm. Code 730 .....
	1137

ADOPTED RULES

AGRICULTURE, DEPARTMENT OF	
Weights And Measures Act	8 Ill. Adm. Code 600 .....
	1141

CAPITAL DEVELOPMENT BOARD	
Prequalification Of Architects And Engineers	44 Ill. Adm. Code 980, Repeal of .....
	1152
Prequalification Of Architects And Engineers	44 Ill. Adm. Code 980 .....
	1154
Procurement Practices	44 Ill. Adm. Code 910, .....
	1169
Selection Of Architects/Engineers (A/E)	44 Ill. Adm. Code 1000, Repeal of .....
	1174
Selection Of Architects/Engineers (A/E)	44 Ill. Adm. Code 1000 .....
	1176

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
Job Training And Economic Development Demonstration Program	56 Ill. Adm. Code 2660 .....
	1182

COMMERCE COMMISSION, ILLINOIS	
Pay-Per-Call Services	83 Ill. Adm. Code 772 .....
	1192

CORRECTIONS, DEPARTMENT OF	
Closed Maximum Security Facility	20 Ill. Adm. Code 505 .....
	1199
Discipline And Grievances	20 Ill. Adm. Code 504 .....
	1206

EMERGENCY MANAGEMENT AGENCY, ILLINOIS	
Emergency Planning And Community Right-To-Know	29 Ill. Adm. Code 620 .....
	1294

FIRE MARSHAL, OFFICE OF THE STATE	
Policy And Procedures Manual For Fire Protection Personnel	41 Ill. Adm. Code 140 .....
	1314

HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS	
Data Collection	77 Ill. Adm. Code 2510 .....
	1325

HUMAN RIGHTS COMMISSION		
Procedural Rules	56 Ill. Adm. Code 5300	.....1336
HUMAN RIGHTS, DEPARTMENT OF		
Access To Information	2 Ill. Adm. Code 926	.....1346
POLLUTION CONTROL BOARD		
Effluent Standards	35 Ill. Adm. Code 304	.....1351
Water Quality Standards	35 Ill. Adm. Code 302	.....1356
Water Use Designations And Site Specific Water Quality Standards	35 Ill. Adm. Code 303	.....1403
PUBLIC AID, DEPARTMENT OF		
Hospital Services	89 Ill. Adm. Code 148	.....1408
Medical Payment	89 Ill. Adm. Code 140	.....1416
SECRETARY OF STATE		
Cancellation, Revocation Or Suspension Of Licenses Or Permits	92 Ill. Adm. Code 1040	.....1438
Issuance Of Licenses	92 Ill. Adm. Code 1030	.....1466
EMERGENCY RULES		
EDUCATION, STATE BOARD OF		
Charter Schools	23 Ill. Adm. Code 650	.....1479
FINANCIAL INSTITUTIONS, DEPARTMENT OF		
Consumer Installment Loan Act	38 Ill. Adm. Code 110	.....1485
Financial Planning And Management Service Act	38 Ill. Adm. Code 140	.....1528
Sales Finance Agency Act	38 Ill. Adm. Code 160	.....1543
NUCLEAR SAFETY, DEPARTMENT OF		
Licensing Of Radon Detection And Mitigation Services	32 Ill. Adm. Code 422	.....1568
PUBLIC AID, DEPARTMENT OF		
Medical Assistance Programs	89 Ill. Adm. Code 120	.....1576
PRELIMINARY RULES		
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF		
Pay Plan	80 Ill. Adm. Code 310	.....1593
AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES		
AGRICULTURE, DEPARTMENT OF		
Equine Infectious Anemia Control	8 Ill. Adm. Code 116	.....1602
REGULATORY AGENDA		
AGRICULTURE, DEPARTMENT OF		
Weights And Measures Act	8 Ill. Adm. Code 600, et al	.....1603
CAPITAL DEVELOPMENT BOARD		
Procurement Practices	44 Ill. Adm. Code 910	.....1608
REVENUE, DEPARTMENT OF		
Income Tax	86 Ill. Adm. Code 100, et al	.....1612
TEACHERS' RETIREMENT SYSTEMS OF THE STATE OF ILLINOIS		
The Administration And Operation Of The Teachers' Retirement System	80 Ill. Adm. Code 1650	.....1631
TRANSPORTATION, DEPARTMENT OF		
Business Logo Signing Program	92 Ill. Adm. Code 542, et al	.....1632
JOINT COMMITTEE ON ADMINISTRATIVE RULES		
Agenda for Meeting of January 14, 1998		.....1638
Second Notices Received		.....1642
EXECUTIVE ORDERS AND PROCLAMATIONS		
EXECUTIVE ORDERS		
98-3 Executive Order Abolishing the Governor's Science Advisory Committee and Creating the Illinois, etc.		.....1644
98-4 Flood Transfer I, 1997		.....1645
ISSUES INDEX		I-1

## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Local Tourism and Convention Bureau Grant Program

2) Code Citation: 14 Ill. Adm. Code 550

3) Section Numbers: Proposed Action:

550-10 Amendment

550-20 Amendment

550-40 Amendment

550-50 Amendment

550-60 Amendment

4) Statutory Authority: Implementing Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking revises the program rules for the Local Tourism and Convention Bureau Grant Program to correct references to statutes; to revise procedure for submission of marketing plan and budget approval, therefore eliminating need for approval of individual project requests; and allowing more flexibility by bureaus in carrying out promotional activities while streamlining reporting requirements.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Do these proposed amendments contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the *Illinois Register* to the following:

Ms. Sue Fierce, Grants Manager  
Department of Commerce and Community Affairs  
Bureau of Tourism  
620 East Adams Street  
Springfield, IL 62701  
(217) 785-6355

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses and small municipalities affected: Local Tourism and Convention Bureaus.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not affect the existing reporting, bookkeeping and other procedures necessary for compliance.

C) Types of professional skills necessary for compliance: Applicants would already possess the necessary skills for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

TITLE 14: COMMERCE  
SUBTITLE C: ECONOMIC DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550  
LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Definition
550.10	Purpose
550.20	Grantees
550.30	Allocation of Appropriations to Grantees
550.35	Eligible Applicants
550.40	Program Requirements
550.50	Administrative Requirements
550.60	Application Process

AUTHORITY: Implementing Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. \_\_\_\_\_.

## Section 550.10 Purpose

Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] [Section 11 of Public Act 83-1129, effective July 3, 1984] ~~par-~~ ~~Rev.~~ ~~Stat.~~ ~~1997~~ ~~ch-~~ ~~127~~ ~~par-~~ ~~46-6a~~ authorizes the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State of Illinois impacting the economic growth of the trade industry. This Part establishes guidelines for the implementation and administration of the Local Tourism and Convention Bureau Program.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

## Section 550.20 Definitions

"Act" - Act means Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] that ~~444~~ ~~Rev.~~ ~~Stat.~~ ~~1997~~ ~~ch-~~ ~~127~~ ~~par-~~ ~~46-6a~~ which establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" - Applicant means a certified local tourism and convention bureau.

"Application" - Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" - Bureau means local tourism and convention bureau.

"Certified Bureau" - Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.

"Contractual Cooperative Promotional Project Agreement" - A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds shall be deposited in the bureau's local account and expended solely on the promotional project. Funds shall not be refunded to a local entity unless the bureau is unable to comply with the contractual agreement.

"Department" - Department means the Department of Commerce and Community Affairs.

"Department Logo" - Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" - Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" - Fiscal year means July 1 through June 30, the fiscal year of the State of Illinois.

"Grant Document" - Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"Grantee" - Grantee means a local tourism and convention bureau receiving Local Tourism and Convention Program funds from the Department.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

"In-Kind Contributions" - Donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Local Tourism and Convention Bureau (LTCB)" - Local tourism and convention bureau means a not-for-profit organization or public agency which represents and serves one or more municipalities or counties, and whose activities are consistent with the purpose of the Act. The LTCB shall promote tourism and increase hotel-motel revenues and employ a full-time paid professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within the Bureau's region. The LTCB shall be located within any one of the municipalities or counties served.

"Match" - Match means bureaus' local funds that do not include in-kind contributions (see Section 550-50(d)).

"Municipality" - Municipality means a city, village or incorporated town.

"Pass-Through Funds" - Money received by a bureau from a local entity for the sole purpose of paying expenses incurred by that entity and for which there is no financial contribution provided by the bureau to improve the entity's project.

"Population Served" - Population served means the population of the units of local government which the local tourism and convention bureau serves according to the latest certified census figures.

"Program" - Program means the Local Tourism and Convention Bureau Program.

"Project" - Project means administrative and promotional activities which are approved and funded by the Department.

"Promotional Projects" - Promotional projects mean activities which are designed to encourage overnight visits or visitors to and through Illinois or attendance at local events in accordance with Section 550.40.

"Travel/Trade Show" - An exhibit/market place of travel related products and/or services.

"Unit of Local Government" - Unit of Local Government means counties, municipalities, and township(s) township(s) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 550.40 Program Requirements

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval *Exteris*
  - 1) A Fiscal Year Marketing Plan and Detailed Budget Plan identifying proposed All-projects' expenditures utilizing LTCB grant funds shall be submitted to the Department for review and approval prior to project initiation.
  - 2) When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of \_\_\_\_\_ bids using identical specifications shall accompany the project request.
  - 3) All projects funded through the grant program shall incorporate the concept Department logo as approved by the Department which identifies the project as being developed in cooperation with the BCB/Bureau of Tourism. A Bureau which fails to include the Department identification shall reimburse the Department for State funds received in support of the project.
  - 4) The date and quantity printed (e.g. 7/91-50/m) shall appear on brochures.
  - 5) Bureau shall bear sole responsibility for accuracy of information contained within material produced with grant funds.
  - 6) All printed projects that are funded through BCB grant funds shall be available on a gratis basis free of charge to the public.
  - 7) The project review request shall include the following information:
    - A) grant number?
    - B) project number?
    - C) bureau name?
    - D) project title?
    - E) description?
    - F) vendor name? description of services to be provided by vendors? and itemized costs?
    - G) estimated project cost? amount of LTCB funds amount of local funds total estimated project cost?
    - H) check off list for the following:
      - i) evidence of bid solicitation when the total cost for printed projects purchase of premium items or other projects deemed appropriate by the Department exceeds \$5,000?
      - ii) mock-ups or samples of projects?
      - iii) Department logo?
      - iv) whether project is outlined in LTCB Bine-Item Budget, and
      - v) review approval and sign-off?

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- 6) if the project review request form is complete and is accompanied by the required supporting documentation, including current Department logo, and is determined to be an eligible project, the project will be approved, subject to fund availability.
- 9) Project costs shall be deducted from future grant payments when bureau fails three times to submit project review requests for prior approval during the program year.
- 10) Within 30 days after completion of a project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items funds.
- 11) Project activities funded under this Part shall not duplicate any project funded by the Department.
- 21) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.
- A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.
- B) 50% Executive Director's salary may be applied toward half of the total grant.
- 21) Bureaus are prohibited from hiring any immediate family member of staff or immediate family member of a board member who is involved in the hiring decision of staff, if grant or match funds are utilized. Immediate family members shall include a spouse, mother, father, daughter, and son.
- b) Promotional Projects
- 1) When the total cost for printed projects, purchases of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired and retained by the bureau for review by the Department.
- 2) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the DCCA Bureau of Tourism. A bureau that fails to include the Department identification shall reimburse the Department for State funds received in support of the project.
- 3) The date and quantity printed (e.g., 7/97-50/m) shall appear on brochures.
- 4) The bureau shall bear sole responsibility for accuracy of information contained within material produced with grant funds.
- 5) All printed projects that are funded through LTCB grant funds shall be available on a gratis basis - free of charge - to the public.
- 6) Within 30 days after completion of a printing project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- Produced with grant funds.
- 2) Project activities funded under this Part shall not duplicate any project funded by the Department.
- 8) Examples of eligible promotional projects include, but are not limited to:
- A) Brochures;
- B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at State rate) for a maximum of 2 staff. Justification is required shall accompany requests for additional people to attend;
- C) Sponsorship and production costs of newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 100-mile 65-mph radius of the attraction, event or area being promoted unless a major market (e.g., Chicago, St. Louis) falls within the 100-mile 65-mph radius;
- E) Membership dues for travel related associations or organizations;
- F) Billboards;
- G) Premiums/specialty items for promotional purposes with Department recognition (see subsection (b)(2) of this section);
- H) Production of videos for use in familiarization or travel/trade industry;
- I) Salaries (see subsection (a)(2) of this section) of staff; posters and flyers distributed outside of service area;
- J) Projects distributed locally, if the bureau can demonstrate the project's ability to increase overnight stays in the service area;
- L) Marketing research studies; and
- M) "800" telephone lines for information and Internet Websites.
- 9) Examples of projects ineligible for grant promotional funding include, but are not limited to:
- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);
- B) Purchase of any alcoholic beverage;
- C) Feasibility studies; and
- D) Salaries of administrative or support staff.
- c) Administrative Projects Activities
- 1) Examples of projects activities eligible for grant administrative funding including, but are not limited to:
- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment lease/rental); and
- B) Salaries of administrative or support staff (see subsection

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- (a)(2) of this Section.
- 2) Examples of project activities ineligible for grant administrative funding include, but are not limited to:
- Lease/purchase agreements for any items;
  - Purchase of equipment;
  - Purchase of any alcoholic beverage;
  - Feasibility studies; and
  - Penalties, fines, late payment fees, service or interest charges.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 550.50 Administrative Requirements

- a) Grant Limitation: No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$600,000 per fiscal year based upon the 1998 fiscal appropriation to the Department. Each fiscal year thereafter such cap shall be raised or lowered a percentage in direct proportion to the percentage of rise or fall of the Department's fiscal appropriation to this Program using the State fiscal year 1998 appropriation as its base year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.
- b) Administrative Costs: Administrative costs shall be limited to not more than 10% of the grant funds awarded (see Section 550.40(c)).
- c) Promotional Costs: Promotional costs shall be limited to not less than 90% of the grant funds awarded (see Section 550.40(b)).
- d) Matching Funds: Each bureau shall provide a dollar-for-dollar match for funds received under this Program. Match expenditures shall equal or exceed grant funds expended, as well as any interest earned on grant funds which is also expended. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative promotional agreements used to satisfy match requirements. In-kind contributions shall not be used to satisfy match requirements.

## 1) Local match shall:

- Be under the control of the bureau,
- Be identified in the bureau's grant application for the applicable fiscal year,
- Be expended during the applicable grant award period,
- Be supported by records of deposit and documentation of expenditures,
- Be expended by the bureau from funds in bureau accounts solely for the administration of the bureau and tourism promotion of their service area as a destination for overnight visitors, and

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- F) not be refunded to any local source of match and still qualify as match.
- 2) Sources of Eligible Match: The following monies, when received through a bureau's budget, may be used as match for State grant funds:
- Local hotel/motel taxes,
  - membership dues,
  - interest on local monies,
  - cash contributions, and
  - federal dollars deposited directly to the grantee for tourism promotional purposes which do not require a match.
- 3) Ineligible Match:
- In-kind contributions such as donated services, donated space, donated equipment, services of volunteers, services in lieu of cash, or any non-monetary item;
  - State or federal funds other than those allowed in subsection (d)(2)(E) above;
  - Monies used as match for other State or federal grants;
  - Penalties, fines, late payment fees, or interest charges; and
  - Pass-through accounts.
- e) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.
- The bureau shall receive grant funds as stipulated in the grant document, upon approval of its application by the Department and signature of the grant document by the Executive Director of the bureau and by the Department.
  - Prior to funds being awarded, a bureau shall employ a full-time paid, professional Executive Director, devoting at least 35 hours per week to the development and growth of tourism within a bureau's region.
- f) Reporting Requirements: The penalty for failure to comply with the timely submission of financial and programmatic reports described in subsections (f)(1) and 7 (2) and (3) below shall be the withholding of subsequent monthly grant checks until all required reports are filed. The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.
- Financial or Reporting - Quarterly financial status reports, as required by the Department, shall be due no later than the 30th day of October, January, April and July and a lapse report shall be due September 15. The quarterly and lapse financial reports shall specify the grant number, grant name, grant period, report period, bureau director's name/signature, and date. Additionally, the quarterly and lapse financial reports shall contain the following information--which must be broken down between programmatic costs (to be at least 90% of grant total awarded), administrative costs (not to exceed 10% of grant total



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

awarded), and match costs.²

- A) Expenditure--line item--breakout--for--State--promotional--costs indicating--applicable--report--period--which--includes--check number(s)--project--number(s)--payee(s)--description--of purchase(s)/service(s)--amount--of--each--check--and--total promotional--grant--cost(s)--expended--for--the--report--period.
- B) Expenditure--line item--breakout--for--State--administrative costs--indicating--applicable--report--period--which--includes check number(s)--project--number(s)--payee(s)--description--of purchase(s)/service(s)--amount--of--each--check--and--total administrative--grant--costs--expended--for--the--report--period.
- C) Expenditure--line item--breakout--for--match--costs--indicating applicable--report--period--which--includes--check--number(s)--payee(s)--description--of--purchase(s)/service(s)--amount--of--each--check--and--total match--cost(s)--expended.
- D) Expenditure--Summary--which--includes--vendor--name(s)--description(s)--of--services--actual--cost(s)--cancelled--check number(s)--and--total(s)--for--all--actual--cost(s)--listed.
- E) Reimbursement--Summary--indicating--report--period--which includes--check--number(s)--check--amount(s)--reimbursement amount(s)--cumulative--balance--as--well--as--totals--for--all figures.
- F) Personnel--activity--information--for--personnel--paid--with--LWGB grant--funds--which--shall--include--bureau--name--grant--number--employee--name--payroll--title--and--signature--time--period covered--supervisor's--signature--as--approval--employee monthly--rate--percent--of--time--spent--on--each--activity; percent--of--time--paid--from--LWGB--grant--funds--and--from--local funds--description--of--activity--(if--job--description--is--not--on file--in--the--Illinois--Bureau--of--Tourism--Office).
- G) Travel--Expenditure--Summary--which--includes--applicable--report period--traveler's--name--and--signature--project--number--and--title--date(s)--of--travel--destination(s)--and--allowable expenses--(see--subsection--(h))--of--this--Section.
- H) Programmatic Reporting -- Final programmatic reports shall be due September 15 for grant funds. Bureau name, grant period, name/title/signature of bureau staff person submitting report, grant number, and date submitted shall be specified. A comparison of results of promotional activities for the program year to those projected in grantee's Fiscal Year Marketing Plan and Project Budget Plan as submitted in the application must be provided, consisting of a brief narrative as to how the bureau's service area was benefited from these expenditures. Activity for LWGB-funded projects shall be broken down by Marketing Plan Budget Category (i.e., Meeting and Convention Market, Motorcoach and Group Tour Market, etc.). Project type as follows:
  - A) Meeting-and-Convention-Market
  - B) Motorcoach-and-Group-Tour-Market

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- C) Festival/Special-Events
- D) Consumer/Business-Market
- E) Miscellaneous-Projects
- F) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (1211 Avenue of the Americas, New York, N.Y. 10036-8775) September 19, 1987 with no later amendments or editions. The bureau shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant and match funds and accurately document such expenditures.
- H) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 28000) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business outside the bureau's service area. The bureau shall retain receipts as source documentation for travel expenses of its employees. The bureau shall also submit to the Department a completed report for--travel--expenses with the quarterly reports.
- I) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau at least two working days in advance of monitoring visits. The bureau's internal procedures, financial reporting, and program shall be evaluated for compliance with terms and conditions of the grant document. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.
- J) Interest on Grant Funds: All interest earned on LWGB grant funds held by the bureau under the grant shall be spent on promotional projects approved by the Department or returned to the Department at the end of the grant period.
- K) Obligation of Grant Funds: All grant funds shall be obligated with respective vendor(s) prior to June 30 of the current fiscal year. Any grant funds not obligated (unobligated funds) shall be refunded to the Department by October 15. In addition, the bureau shall repay the Department for any funds that are determined by the Department through monitoring (subsection (I) of this Section) and audit (subsection (L) of this Section) to have been spent in violation of the grant document. All obligations shall be expended on or before August 31.
- L) Audits: The bureau shall conduct an audit of all grant and match program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent certified public accountant, licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and shall be submitted to the Department as specified in the Grant Agreement within ~~twelve-months--after-the-end-of-the-grantee's-fiscal-year~~. Any bureau determined to have misused program funds by fraud as a result of an audit shall be ineligible to apply for and receive funds under this program for a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.

m) Nondiscrimination: Bureaus shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1994); The Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (1994); and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 1981 et seq. (1994).

n) Complaint Process: In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

o) Bids Solicitation: When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired by the Bureau ~~according to the project request~~. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the Bureau for review by the Department ~~submitted with project approval request~~. For any purchasing and/or printing costs where the lowest bid is not accepted, justification ~~documentation~~ (e.g., project specifications and quality requirements) must be documented ~~shall be submitted with project approval request~~.

p) Bid Rigging/Rotating: Bureaus shall certify that they have not been barred from bidding on or receiving State contracts as a result of illegal bid rigging or bid rotating as defined in Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (720 ILCS 5/33E-3 and 33E-4).

q) Separate Account: A separate bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only grant funds received under this program shall be deposited in this account unless local funds are deposited in the account to maintain a minimum balance to avoid finance charges.

r) Suspension and Termination:

1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

of a grant when:

A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and

B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days after the Department's notice.

2) A grant shall be terminated in the absence of full State funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.

s) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures specified in Section 550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.

t) Bribery: The bureau's executive director/chief executive officer certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.

u) Conflict of Interest:

1) The bureau shall certify that no person who in any manner governs, advises, consults with, is employed by, is an officer of, or is an elected or appointed official of the bureau, or any governing board or entity of the bureau, nor any husband, wife, or minor child of that person, shall be in any manner interested, either directly or indirectly, in any contract or work awarded by the bureau unless the following requirements are met:

A) The bureau notifies the Department, in writing, of the nature of the conflict of interest and receives written notification of approval from the Department to proceed with the process of bidding or letting of the contract. The Department shall approve if the bureau demonstrates that the best interest of the State outweighs the conflict of interest at issue; and

B) The bureau discloses, for the record, the existence of the conflict of interest at any meeting held to consider the acceptance of bids or letting of contracts; the interested person abstains from discussing, voting on, or influencing the acceptance of bids or letting of contracts, and removes himself or herself from the meeting room during the time the

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

bids or contracts are discussed and voted upon.

- 2) Violations of this provision shall result in suspension or revocation of the grant, or both, and reimbursement to the Department by the bureau of grant funds. Violators shall also be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 550.60 Application Process

- a) The application procedure consists of a three-step process:

- 1) Public notification by the Department of the amount of funds available for the LTCB program.
  - 2) A request for certification.
  - 3) An application for grant funds.
- b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:

- 1) Availability amount of funds available under the LTCB program as of July 1.
- 2) That applicants must contact the Department to obtain criteria for certification under the Act.
- 3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.

- c) Certification

- 1) Any applicant seeking certification as a local tourism and convention bureau who has previously been certified through the Local Tourism and Convention Bureau Program shall be recertified each year by the Department.

A) An applicant shall meet the following eligibility criteria in order to be considered for certification:

- i) Have been a bureau in legal existence as of January 1, 1985, either as a unit of local government or incorporated as a not-for-profit corporation or organization (as evidenced by dated promotional materials which document that the applicant was conducting tourism promotional activities prior to January 1, 1985);
- ii) Represent one or more municipalities, municipalities or counties which must be contiguous to one another; and
- iii) Employ one full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

bureau's region.

- B) An eligible applicant shall submit the following material to be considered for certification:

- i) a request for certification;
  - ii) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-For-Profit Corporation Act (445 Rev. Stat. 1997-Ch-37-Pars. 163a-et-seq.) repealed by [805 ILCS 105] 7/1/85, or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
  - iii) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region, prior to receiving State grant funds;
  - iv) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current letter from the governing body(ies) of this these entity(ies) entities;
  - v) a complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each; and
  - vi) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant.
- 2) Any applicant seeking certification as a local tourism and convention bureau who has not previously been certified through the Local Tourism and Convention Bureau Program shall be certified by the Department when meeting all the following criteria:
- A) In order to be considered for certification, an applicant shall meet the eligibility criteria specified in subsections (c)(1)(A)(i) through (iii). Additionally, in order to be eligible, their service area shall contain at least 500 hotel/motel rooms eligible to collect the State's State's hotel/motel tax.
- B) An eligible applicant shall submit the following material to be considered eligible for certification:
- i) a request for certification;
  - ii) a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

documentation of previous promotional activities prior to January 1, 1985 (e.g., brochures or pamphlets used to encourage visits or visitors to and through Illinois):

- iii) a statement that it employs a full-time paid, professional executive director/chief executive officer who devotes all time to development and growth of tourism within the bureau's region prior to receiving State grant funds. This shall include a summarization of his or her tourism related experience and a synopsis of his or her duties;
  - iv) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-for-Profit Corporation Act (410 ILCS 105/1-327-329, repealed by 805 ILCS 105/1-327-329, or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
  - v) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current resolution from the governing bodies of these entities;
  - vi) a complete listing of hotels/motels collecting the state's hotel/motel tax (including address and telephone numbers) within its service area and the number of rooms/units in each;
  - vii) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant; and
  - viii) documentation showing unsatisfactory representation if the proposed area of the new bureau is currently represented by an existing bureau.
- 3) Within sixty (60) days after receipt deadline of all requests for certification under subsection (b), the Department shall send a notice to each applicant seeking certification, informing the applicant of its status.
- A) When a single local bureau seeks certification and has submitted all documentation required in subsections (c)(1) and (2) of this Section, and such documentation meets the approval of the Department, such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds.
  - B) When more than one local bureau seeks certification for the

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

identical service area, with the exception of cities with a population greater than 500,000. The Department shall send each a request for proposal (RFP). Proposals shall require the following information which shall be given equal weight in the evaluation of each proposal:

- i) bureau's background, organization, experience and staff qualifications;
  - ii) a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism; and
  - iii) any marketing or feasibility studies in support of the plan.
- C) Within fifteen (15) days after receipt of the RFPs, the Department shall notify in writing each local bureau of certification determinations.
- i) The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the determination.
  - ii) A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within ten (10) calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than fifteen (15) calendar days thereafter. The Director shall make his determination based upon his review of the information required by subsection (c)(3)(B) of this Section and any additional material submitted by the applicant with their appeal.
- d) Application by Certified Bureaus for Funds Under the Act:
- 1) All certified bureaus shall complete an application for funding. The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention Bureau Program. Failure to provide any information requested in the application shall result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:
    - A) Full-time local bureau executive director's name, salary,

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED AMENDMENT(S)

- and length of employment with bureau.
- B) A Fiscal Year Marketing Plan marketing-plan and Program Budget Plan detailing all activities to be initiated and funded through the LCTCB grant during the fiscal year.
- C) Area to be served such as municipality(ies), county(ies), etc.
- D) Itemized budget for activities proposed for funding under LCTCB monies only.
- E) Local operating budget based on state fiscal year. Match only-match funds shall be reflected on this form.
- F) Name of the financial institution that serves as the depositor for LCTCB grant funds.
- G) Fund account number for LCTCB grant funds.
- H) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two required.

- 2) Upon receipt of applications from certified bureaus the Department shall review the applications and:

- A) grant the full amount requested, or
- B) ask for additional information to clarify or document the information contained in the application, and/or
- C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its decision within 15 days after receipt of their appeal.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Evaluation of Certified School District Employees in Contractual Continued Service
- 2) Code Citation: 23 Ill. Adm. Code 50
- 3) Section Numbers: Proposed Action:  
50.50 Amendment  
50.55 Amendment
- 4) Statutory Authority: 105 ILCS 5/24A-7
- 5) A Complete Description of the Subjects and Issues Involved:

Two laws have made specific changes in the requirements pertaining to treatment of teachers whose performance is rated unsatisfactory, and these changes need to be reflected in Part 50.

P.A. 89-15, enacted in 1995, shortened the potential for additional remediation time for Chicago teachers, after completion of a 45-day remedial period, from one year to six months. That Act also added a requirement that evaluations be issued to Chicago teachers within 10 days after their completion of remediation plans but stipulated that the board of education would not lose jurisdiction to discharge a teacher if the ten-day timeline were not met. Further, it made periodic evaluations of Chicago teachers during remediation exempt from the procedural requirements that otherwise would apply, and it excluded Chicago from the provision permitting collective bargaining agents to supply rosters of potential consulting teachers to assist during remediation.

P.A. 90-548, enacted in December of 1997, made further changes to some of the same provisions affected by P.A. 89-15 and extended their effectiveness to teachers in all other school districts. Thus all teachers with unsatisfactory performance are now subject to one, ninety-day period of remediation in the classroom, and the possibility of an extension has been eliminated altogether. The ten-day timeline mentioned above has been made applicable in all districts, with the same proviso regarding loss of jurisdiction by the local board.

Section 50.50 of the rules conveys the requirements that will apply in districts with populations of 500,000 or fewer commencing on January 1, 1998, while Section 50.55 applies to districts with populations over 500,000, i.e., Chicago.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? The

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-0541

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Regulatory bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the proposed rule(s) begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER 1: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

## PART 50

EVALUATION OF CERTIFIED SCHOOL DISTRICT EMPLOYEES  
IN CONTRACTUAL CONTINUED SERVICE

## Section

- 50.10 Definitions
- 50.20 Submission of Evaluation Plans
- 50.30 Review of Evaluation Plans
- 50.40 Content of Evaluation Plans for Teachers and School Service Personnel
- 50.50 Unsatisfactory Evaluations - Districts With a Population of 500,000 or Fewer
- 50.55 Unsatisfactory Evaluations - Districts With a Population Over 500,000
- 50.60 Multi-Year Collective Bargaining Agreements
- 50.70 Alternative Evaluations
- 50.80 Evaluation of Administrative Staff

AUTHORITY: Implementing Sections 2-3.57 and 10-21.4a and Article 24A of the School Code [105 ILCS 5/2-3.57, 10-21.4a, and Art. 24A] (see P.A. 90-548, effective January 1, 1998) and authorized by Section 24A-7 of that Act [105 ILCS 5/24A-7].

SOURCE: Adopted at 10 Ill. Reg. 15050, effective August 28, 1986; amended at 12 Ill. Reg. 9882, effective May 27, 1988; amended at 14 Ill. Reg. 7503, effective May 7, 1990; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 50.50 Unsatisfactory Evaluations - Districts With a Population of 500,000 or Fewer

- a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.

1) The remediation plan shall provide for 90 school days of remediation within the classroom [Section 24A-5 of the School Code [105 ILCS 5/24A-5] (see P.A. 90-548, effective January 1, 1998)].

2) The remediation plan shall provide for quarterly evaluations and ratings to occur during the year immediately following the teacher's receipt of a remediation plan based upon an unsatisfactory evaluation.

3) The quarterly evaluations and ratings shall be conducted by a



## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

qualified administrator.

- a) When a quarterly evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two (2) weeks prior to the close of the preceding school year.
- b) When a quarterly evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two (2) weeks after students' attendance commences in the following school year.
- c) Failure to strictly comply with the timelines for the required quarterly evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.
- 4) The qualified administrator shall issue ~~conduct~~ the fourth and final evaluation within ten days after the conclusion of the year specified in subsection (a)(2) of this Section.
- 5) The remediation plan shall provide reinstatement to a schedule of biennial evaluations for any teacher who successfully completes the one-year remediation plan by receiving a satisfactory or better rating, unless the district's plan regularly requires more frequent evaluations. (Section 24A-5(1) of the School Code)

b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.

- 1) The participation of the consulting teacher shall be voluntary.
- 2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.
- 3) The consulting teacher shall be chosen from a list developed by the district or in districts with an exclusive bargaining agent. The bargaining agent may, if it chooses, supply a roster of at least 5 qualified teachers from which the consulting teacher is to be selected, or the names of all teachers so qualified if that number is less than 5. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.
- 4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

district under this subsection.

- 5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation year.
- 6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.
- 7) The consulting teacher shall not participate in any of the required quarterly evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.
- 8) The consulting teacher shall be informed, through three quarterly conferences with the qualified administrator and the teacher under remediation, of the results of the first three quarterly evaluations in order to continue to provide assistance to the teacher under a remediation plan.
- c) The Plan shall provide that any teacher who fails to complete the one-year remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 24-12 or 34-05 of the School Code [105 ILCS 5/24-12] ~~4111-Rev-Stat-1987--ch--122--par-24-12-or-34-05.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 50.55 Unsatisfactory Evaluations - Districts with a Population Over 500,000

- a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.

1) The remediation plan shall provide for evaluations and ratings to occur following the tenured teacher's receipt of a remediation plan based upon an unsatisfactory evaluation (Section 24A-5 of the School Code), as follows:

- A) The remediation plan shall provide for 90 school days of school remediation within the classroom (Section 24A-5 of the School Code).
- B) ~~Additional--remediation--up-to-one-year--inclusive-of-the-45 days--may-be-provided-only-in-those-cases-where--at-the-termination--of--the--45-day--in-class--remediation--the principal--and--consulting-teacher--(see--subsection--(b)) determine--(based-on-the-teacher's progress)--that-the-teacher~~



## STATE BOARD OF EDUCATION

## STATE BOARD OF EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

~~may be remediable (Section 24A-5 of the School Code);~~  
~~++ Such additional remediation shall create no~~  
~~presumption of remediability and may be terminated at~~  
~~any time after 45 or 90 school days by the principal~~  
~~(Section 24A-5 of the School Code);~~  
~~+++ The principal and consulting teacher shall determine~~  
~~if the additional remediation shall be conducted~~  
~~within or outside of the assigned classroom (Section~~  
~~24A-5 of the School Code);~~

BE) The remediation plan shall also provide for monthly evaluations and ratings for the first six months and quarterly evaluations and ratings for the next six months immediately following completion of the remediation program of a teacher for whom a remediation plan has been developed. These subsequent evaluations shall be conducted by the qualified administrator and shall not be subject to the requirements set forth in Section 50.40 of this Part (Section 24A-5 of the School Code).

2) The evaluations and ratings shall be conducted by a qualified administrator.

A) When an evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two 22 weeks prior to the close of the preceding school year.

B) When an evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two 22 weeks after students' attendance commences in the following school year.

C) Failure to strictly comply with the timelines for the required evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.

3) The qualified administrator shall issue conduct the final evaluation within ten days after the conclusion of the applicable remediation period specified in subsection (a)(1) of this Section, provided that the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher if this timeline is not met [Section 24A-5 of the School Code].

4) The remediation plan shall provide for reinstatement to a schedule of biennial evaluations for any teacher who successfully completes both the 90 day school year remediation plan or extended plan--of up to one year and a one-year intensive review schedule by receiving a satisfactory or better rating in each instance, unless the district's plan regularly requires more frequent evaluations (Section 24A-5 of the School Code).

b) Participants in the remediation plan shall include the teacher deemed

unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.

1) The participation of the consulting teacher shall be voluntary.

2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.

3) The consulting teacher shall be chosen from a list developed by the district or in districts with an exclusive bargaining agent--the bargaining agent--may--if it chooses--supply a roster of at least 5 qualified teachers from which the consulting teacher is to be selected--or the names of all teachers so qualified--if that number is less than 5. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.

4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection (b)(4).

5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period.

6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.

7) The consulting teacher shall not participate in any of the required evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.

8) The consulting teacher shall be informed, through conferences with the qualified administrator and the teacher under remediation, of the results of the required evaluations in order to continue to provide assistance to the teacher under a remediation plan.

c) The plan shall provide that any teacher who fails to complete any applicable remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 34-85 of the School Code [105 ILCS 5/34-85] (111 Rev. Stat. 1980 Supp. 7-127, par. 34-85).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

2) Code Citation: 35 Ill. Adm. Code 195

3) Section Numbers:  
Not applicable  
Proposed Action:  
Repeal

4) Statutory Authority: Implementing and authorized by Section 1401(1)(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30(1991)), the Illinois Environmental Protection Act (415 ILCS 5) and the Civil Administrative Code of Illinois [20 ILCS 5].

5) A Complete Description of the Subjects and Issues Involved: The Department of Nuclear Safety, the Department of Public Health and the Illinois Environmental Protection Agency are proposing to repeal the current joint rules promulgated under 35 Ill. Adm. Code 183. This Part is a cross reference to the joint rulemaking under Part 183 between the IEPA, IDPH and this Department. It has been determined by all three agencies that in order to best serve the interest of the affected community, each agency would implement its own rulemaking relating to certification of laboratories. The Department is proposing a new Part 406 which will replace this Part and the provisions under the Joint Rule, Part 183. Additionally, the Notice of Repealer for Part 183 was published at 22 Ill. Reg. 23.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The repeal of this Part is not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

submitted to:

Thomas J. Carlisle  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217)785-9884 (voice)  
(217)782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Environmental laboratories involved in radiochemical analyses of water samples from public water supplies and their sources.

B) Reporting, bookkeeping or other procedures required for compliance: Procedures previously required under this Part are being repealed.

C) Types of professional skills necessary for compliance: Compliance with this Part is being repealed.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Plans by all 3 agencies for adoption of separate Parts had not been finalized.

The full text of the Proposed Repealer begins on the next page:

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF PROPOSED REPEALER

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE A: GENERAL PROVISIONS

## CHAPTER IV: DEPARTMENT OF NUCLEAR SAFETY

## PART 195

## JOINT RULES OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH AND THE ILLINOIS DEPARTMENT OF NUCLEAR SAFETY: CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES (REPEALED)

(Editor's Note: This Part is a joint rule of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories. The text of this Part appears at 35 Ill. Adm. Code 183.)

SOURCE: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Numbers: Proposed Action:  
218-240 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of December 18, 1997 in R98-16. The Board is proposing an amendment to add a new Section to the air pollution control regulations establishing a site-specific rule excluding W.R. Grace & Company - Connecticut from the control requirements of 35 Ill. Adm. Code 218-Subpart 00.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

## Section Numbers Proposed Action Illinois Repealer Citation

218-204	Amend	21 Ill. Reg. 13505
218-205	Amend	21 Ill. Reg. 13505
218-210	Amend	21 Ill. Reg. 13505
218-211	Amend	21 Ill. Reg. 13505
218-215	New	21 Ill. Reg. 13505
218-216	New	21 Ill. Reg. 13505
218-217	New	21 Ill. Reg. 13505

- 10) Statement of Statewide Policy Objectives: This rule neither creates nor expands a state mandate. Objectives of this rulemaking are those enumerated in Section 9 and 27 of the Environmental Protection Act. Objective is to protect health and the environment from pollution while providing economically reasonable and technically feasible control options.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-16 and be sent to:

Dorothy Gunn

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, IL 60601  
(312) 814-6931

Questions regarding this proposal may be directed to John C. Knittle at 814-3473. A hearing on this matter is scheduled in room 9-031 at 1:00 p.m. on January 8, 1998, at the James R. Thompson Center, 100 W. Randolph St., Chicago, Illinois.

## 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: None  
B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Rule(s) begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER 1: POLLUTION CONTROL BOARD

## SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY SOURCES

## PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS  
FOR THE CHICAGO AREA

## SUBPART A: GENERAL PROVISIONS

Section	
218.100	Introduction
218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
218.106	Compliance Dates
218.107	Operation of Afterburners
218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
218.114	Compliance with Permit Conditions

## SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
218.119	Applicability for VOL
218.120	Control Requirements for Storage Containers of VOL
218.121	Storage Containers of VPL
218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks
218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
218.127	Testing VOL Operations
218.128	Monitoring VOL Operations
218.129	Recordkeeping and Reporting for VOL Operations

## SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
218.141	Separation Operations

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Pumps and Compressors  
 Vapor Blowdown  
 Safety Relief Valves

## SUBPART E: SOLVENT CLEANING

Solvent Cleaning in General  
 Cold Cleaning  
 Open Top Vapor Degreasing  
 ConveyORIZED Degreasing  
 Compliance Schedule (Repealed)  
 Test Methods

## SUBPART F: COATING OPERATIONS

Emission Limitations  
 Daily-Weighted Average Limitations  
 Solids Basis Calculation  
 Alternative Emission Limitations  
 Exemptions from Emission Limitations  
 Exemption from General Rule on Use of Organic Material  
 Compliance Schedule  
 Recordkeeping and Reporting  
 Cross-Line Averaging to Establish Compliance for Coating Lines  
 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines  
 Changing Compliance Methods

## SUBPART G: USE OF ORGANIC MATERIAL

Use of Organic Material  
 Alternative Standard  
 Fuel Combustion Emission Units  
 Operations with Compliance Program

## SUBPART H: PRINTING AND PUBLISHING

Flexographic and Rotogravure Printing  
 Applicability  
 Compliance Schedule  
 Recordkeeping and Reporting  
 Lithographic Printing: Applicability  
 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996  
 Compliance Schedule for Lithographic Printing on and After March 15, 1996  
 Testing for Lithographic Printing On and After March 15, 1996  
 Monitoring Requirements for Lithographic Printing  
 Recordkeeping and Reporting for Lithographic Printing

## SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

General Requirements  
 Inspection Program Plan for Leaks  
 Inspection Program for Leaks  
 Repairing Leaks  
 Recordkeeping for Leaks  
 Report for Leaks  
 Alternative Program for Leaks  
 Open-Ended Valves  
 Standards for Control Devices  
 Compliance Date (Repealed)  
 Applicability  
 Control Requirements  
 Performance and Testing Requirements  
 Monitoring Requirements  
 Recordkeeping and Reporting Requirements  
 Compliance Date

## SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Petroleum Refinery Waste Gas Disposal  
 Vacuum Producing Systems  
 Wastewater (Oil/Water) Separator  
 Process Unit Turnarounds  
 Leaks: General Requirements  
 Monitoring Program Plan for Leaks  
 Monitoring Program for Leaks  
 Recordkeeping for Leaks  
 Reporting for Leaks  
 Alternative Program for Leaks  
 Sealing Device Requirements  
 Compliance Schedule for Leaks  
 Compliance Dates (Repealed)

## SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Section  
218.461 Manufacture of Pneumatic Rubber Tires  
218.462 Green Tire Spraying Operations  
218.463 Alternative Emission Reduction Systems  
218.464 Emission Testing  
218.465 Compliance Dates (Repealed)  
218.466 Compliance Plan (Repealed)

## SUBPART T: PHARMACEUTICAL MANUFACTURING

Section  
218.480 Applicability  
218.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers  
218.482 Control of Air Dryers, Production Equipment Exhaust Systems and Filters  
218.483 Material Storage and Transfer  
218.484 In-Process Tanks  
218.485 Leaks  
218.486 Other Emissions Units  
218.487 Testing  
218.488 Monitoring for Air Pollution Control Equipment  
218.489 Recordkeeping for Air Pollution Control Equipment

## SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section  
218.500 Applicability for Batch Operations  
218.501 Control Requirements for Batch Operations  
218.502 Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations  
218.503 Performance and Nesting Requirements for Batch Operations  
218.504 Monitoring Requirements for Batch Operations  
218.505 Reporting and Recordkeeping for Batch Operations  
218.506 Compliance Date  
218.520 Emission Limitations for Air Oxidation Processes  
218.521 Definitions (Repealed)  
218.522 Savings Clause  
218.523 Compliance  
218.524 Determination of Applicability  
218.525 Emission Limitations for Air Oxidation Processes  
218.526 Testing and Monitoring  
218.527 Compliance Date (Repealed)

## SUBPART W: AGRICULTURE

Section  
218.541 Pesticide Exception

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## SUBPART X: CONSTRUCTION

Section  
218.561 Architectural Coatings  
218.562 Paving Operations  
218.563 Cutback Asphalt

## SUBPART Y: GASOLINE DISTRIBUTION

Section  
218.581 Bulk Gasoline Plants  
218.582 Bulk Gasoline Terminals  
218.583 Gasoline Dispensing Operations - Storage Tank Filling Operations  
218.584 Gasoline Delivery Vessels  
218.585 Gasoline Volatility Standards  
218.586 Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

## SUBPART Z: DRY CLEANERS

Section  
218.601 Perchloroethylene Dry Cleaners  
218.602 Applicability  
218.603 Leaks  
218.604 Compliance Dates (Repealed)  
218.605 Compliance Plan (Repealed)  
218.606 Exception to Compliance Plan (Repealed)  
218.607 Standards for Petroleum Solvent Dry Cleaners  
218.608 Operating Practices for Petroleum Solvent Dry Cleaners  
218.609 Program for Inspection and Repair of Leaks  
218.610 Testing and Monitoring  
218.611 Applicability for Petroleum Solvent Dry Cleaners  
218.612 Compliance Dates (Repealed)  
218.613 Compliance Plan (Repealed)

## SUBPART AA: PAINT AND INK MANUFACTURING

Section  
218.620 Applicability  
218.621 Exemption for Waterbase Material and Heatset Offset Ink  
218.622 Permit Conditions (Repealed)  
218.623 Open-Top Mills, Tanks, Vats or Vessels  
218.625 Grinding Mills  
218.626 Storage Tanks  
218.628 Leaks  
218.629 Clean Up  
218.630 Compliance Schedule  
218.636 Compliance  
218.637 Recordkeeping and Reporting



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

## SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

## SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

## SUBPART DD: AEROSOL CAN FILLING

Section	
218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

## SUBPART FF: BAKERY OVENS (Repealed)

Section	
218.720	Applicability (Repealed)
218.722	Control Requirements (Repealed)
218.726	Testing (Repealed)
218.727	Monitoring (Repealed)
218.728	Recordkeeping and Reporting (Repealed)
218.729	Compliance Date (Repealed)
218.730	Certification (Repealed)

## SUBPART GG: MARINE TERMINALS

Section	
218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

## SUBPART HH: MOTOR VEHICLE REFINISHING

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

Section	
218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing
218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting
218.791	Compliance Date
218.792	Registration
218.875	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section	
218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section	
218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

## SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section	
218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

## SUBPART TT: OTHER EMISSION UNITS

Section



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED RULES

- refinishing, SCOWI batch processing, volatile organic liquid storage tanks and clean-up solvents operations. (a) If a source ceases to fulfill the criteria of subsections (a) and/or (b) above, the requirements of this Subpart shall continue to apply to a miscellaneous formulation manufacturing process emission unit which was subject to the control requirements of Section 218.946 of this Part.
- d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such emission units not complying with this Section does not exceed 4.5 Mg (5.0 tons) per calendar year.
- e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
- f) For the purposes of this Subpart, VOM emissions in the absence of air pollution control equipment are the emissions of VOM which would result if no air pollution control equipment were used.
- g) The control requirements in Subpart QQ shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; large loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin and not including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source; and iron and steel production.
- h) The control requirements of this Subpart shall not apply to the solution mixers at the container sealant manufacturing facility located at 6050 West 51st Street in Chicago, Illinois.

(Source: Amended in R98-16 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Heading of the Part: Medical Assistance Programs

## Code Citation: 89 Ill. Adm. Code 120

## Section Numbers: Proposed Action:

120.11	Amendment
120.31	Amendment
120.64	Amendment
120.73	Amendment
120.75	Amendment
120.380	Amendment
120.381	Amendment

## Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

Complete Description of the Subjects and Issues Involved: These proposed amendments to Sections 120.11, 120.31, 120.64, 120.380 and 120.381 provide for increased which are allowed under the Federal Balanced Budget Act of 1997, the MANG(P) income standards for pregnant women and children under age 13. For pregnant women and for infants born to Medicaid eligible pregnant women, the MANG(P) income standard is being increased from 133 percent to 200 percent of the current poverty level (FPL). For children ages 3 through 18, the MANG(P) income standard is being increased to 133 percent of the FPL. These proposed changes in the MANG(P) income standards are expected to result in an annual increase in Department expenditures of \$30 million.

The proposed amendments to Sections 120.73 and 120.75 are necessary to implement mandatory coverage under Medicaid as required by the Federal Balanced Budget Act of 1997. Beginning January, 1998, the Department will pay the Medicare Part B premium for those persons who meet existing eligibility requirements and have incomes of at least 120 percent of the federal poverty level (FPL), but less than 135 percent of the FPL. For persons with incomes of at least 135 percent of the FPL, but less than 175 percent of the FPL, the Department will make a monthly payment that is based on a federal formula described in the Social Security Act [U.S.C.1905 (p)(3)(A)(iii)]. These new provisions to Part 120 will be funded by a federal allotment. Therefore, it is expected that these proposed amendments will not result in any budgetary changes for the Department.

Will these proposed amendments replace emergency amendments currently in effect? Yes

Does this rulemaking contain an automatic repeal date? No

Do these proposed amendments contain incorporations by reference? No

Are there any other proposed amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

- 120.60 Amendment January 2, 1998 (22 Ill. Reg. \_\_\_\_)
- 120.80 Amendment January 2, 1998 (22 Ill. Reg. \_\_\_\_)
- 120.384 Amendment January 2, 1998 (22 Ill. Reg. \_\_\_\_)
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Ave.  
E., 3rd Floor  
Springfield, Illinois 62763

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

1576

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

1) **Heading of the Part:** Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health, and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

2) **Code Citation:** 35 Ill. Adm. Code 190

3) **Section Numbers:** Proposed Action:  
Not Applicable

4) **Statutory Authority:** Implementing and authorized by Section 1401(1)(d) of the Safe Drinking Water Act (42 U.S.C. 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations (40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection Act (415 ILCS 5) and the Civil Administrative Code of Illinois (20 ILCS 5).

5) **A Complete Description of the Subjects and Issues Involved:** The Department of Public Health, the Department of Nuclear Safety and the Illinois Environmental Protection Agency are proposing to repeal the current joint rules promulgated at 35 Ill. Adm. Code 183. This Part is a cross reference to the joint rulemaking at Part 183. It has been determined by all three agencies that in order to best serve the interests of the affected community, each agency should implement its own rulemaking relating to certification of laboratories. The Department is proposing new rules at 77 Ill. Adm. Code 465, which will replace this Part and the provisions of the joint rules at Part 183. The notice of repealer for Part 183 is published at 22 Ill. Reg. 23.

6) **Will this Rulemaking Replace an Emergency Rule Currently in Effect?** No

7) **Does this Rulemaking Contain an Automatic Repeal Date?** No

8) **Does this Rulemaking Contain any Incorporations by Reference?** No

9) **Are there any Other Proposed Amendments Pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** This rulemaking does not create or expand any state mandates on units of local government.

11) **Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:** Interested persons may present their comments concerning these rules by writing to:

Gail M. DeVito  
Division of Legal Services  
Illinois Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

(217)782-2043

These rules may have an impact on small businesses. Small businesses commenting on these rules shall indicate their status as such, in writing, in their comments.

12) **Initial Regulatory Flexibility Analysis:**

A) **Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected:** Environmental Laboratories.

B) **Reporting, Bookkeeping or Other Procedures Required for Compliance:** Procedures previously required in this Part are being repealed.

C) **Types of Professional Skills Necessary for Compliance:** Compliance with this Part is being repealed.

13) **Date of regulatory agenda on which this rulemaking was summarized:** This repealer was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not apparent when the regulatory agendas were finalized.

The full text of the Proposed repealer begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEAL

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE A: GENERAL PROVISIONS  
 CHAPTER III: DEPARTMENT OF PUBLIC HEALTH

## PART 190

JOINT RULES OF THE ENVIRONMENTAL PROTECTION AGENCY,  
 THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH AND THE ILLINOIS  
 DEPARTMENT OF NUCLEAR SAFETY: CERTIFICATION AND OPERATION OF  
 ENVIRONMENTAL LABORATORIES (REPEALED)

(Editor's Note: This Part is a joint rule of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories. The text of this Part appears at 35 Ill. Adm. Code 183.)

SOURCE: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Racing Rules
- 2) Code Citation: 11 Ill. Adm. Code 1318
- 3) Section Numbers: Proposed Action:  
1318.90 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking reduces the size of whips allowed for use in harness racing, restricts the areas where the whip may be used. The penalties for violating this rule have also been increased to allow for a maximum suspension of 3 days. Criteria for determining violations of this rule have been included.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic renewal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted within 45 days after this notice to:  
  
Gina Dicaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 100  
Chicago, Illinois 60601  
(312)814-5070
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Equipment vendors for harness racing do not currently have in stock smaller whips required by this rule. Adoption of this rule is not expected until April 1, 1998. All harness equipment vendors will be notified of the amendment and given an adequate period of time to stock the necessary equipment.



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

B) Reportin, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of an amendment in the United States Trotting Association Rules and was not anticipated by the Board. This rulemaking was not summarized in a regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318  
RACING RULES

Section	
1318.10	Racing Conduct
1318.20	Complaints
1318.30	Disqualification of Entries
1318.40	Penalties
1318.50	Unsatisfactory Driving
1318.60	Driver Substitution
1318.70	Failure to Finish
1318.80	Improper Conduct
1318.90	Whips and Snappers
1318.100	Goadling Devices
1318.110	Accidents
1318.120	Use of Hopples
1318.130	Breaking on Purpose
1318.140	Call Out Breaks
1318.150	Right of Course
1318.160	Penalties
1318.170	Harness Tracks Without a Continuous Hub Rail
1318.180	Open Stretch Racing
1318.190	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; emergency amendment at 15 Ill. Reg. 15610, effective October 10, 1991, for a maximum of 150 days; emergency expired March 8, 1992; amended at 16 Ill. Reg. 7489, effective April 27, 1992; amended at 17 Ill. Reg. 19303, effective October 25, 1993; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1318.90 Whips and Snappers

Drivers will be allowed whips not to exceed three feet, 9 inches, four--feet; eight--inches, plus a snapper not longer than six eight inches. At the discretion of the stewards, brutal, excessive or indiscriminate use of the whip, including but not limited to causing visible injury, whipping under the arch of shafts of the sulky or whipping after the race, is a violation

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

punishable by a fine of not more than \$200 and/or a three day suspension or both. The stewards, in their discretion, may assess larger fines and/or longer suspensions for subsequent offenses. Use of the whip shall be confined to an area above and between the sulky shafts, including the sulky shaft. Use of the butt end of the whip is prohibited.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Payment of Taxes by Electronic Funds Transfer
- 2) Code Citation: 86 Ill. Adm. Code 750
- 3) Section Numbers: Proposed Action:  
750-500 Amendment
- 4) Statutory Authority: 20 ILCS 2505/39c-1
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking sets out the types of payments the Department is currently able to accept through the voluntary use of electronic funds transfer.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:  
  
Terry Charlton  
Associate Counsel  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit Corporations affected: Any small business that makes the types of payments described in this proposed rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance:  
No specific procedures required for compliance.
- C) Types of professional skills necessary for compliance: None

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not listed on either of the 2 most recent Regulatory Agendas because: it was unanticipated at that time. Public Act 90-16 was enacted on June 16, 1997, requiring that the Department implement a voluntary program of electronic funds transfer for a number of different taxes. This proposed rulemaking provides notice that the Department can now accept voluntary payment by electronic funds transfer for those taxes and also for certain other taxes and fees.

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 86, REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

## PART 750

## PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER

Section	Scope of the Program and Rules
750.100	Definitions
750.200	Payments Required to be Paid by Electronic Funds Transfer
750.300	Eligibility Determination and Taxpayer Notification
750.400	Voluntary Program Participation
750.500	Methods of Electronic Funds Transfer Payment
750.600	Payment Transmission Errors
750.700	Department Notification Requirement
750.800	Due Date; General Provisions
750.900	

AUTHORITY: Implementing and authorized by the Retailers' Occupation Tax Act [35 ILCS 120].

SOURCE: Adopted at 17 Ill. Reg. 18132, effective October 4, 1993; amended at 18 Ill. Reg. 15612, effective October 11, 1994; amended at 20 Ill. Reg. 9111, effective July 2, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 750.500 Voluntary Program Participation

- Any taxpayer who is not required to make estimated or accelerated payments by electronic funds transfer is encouraged to seek the permission of the Department to make payments by electronic funds transfer.
- Taxpayers who wish to voluntarily participate in the electronic funds transfer program must file an application for participation with the Department. Taxpayers should be aware that it will generally take a minimum of 60 days for the Department to process a request for voluntary participation in the electronic funds transfer program.
- In determining whether to grant or deny an application for participation the Department will consider the filing and payment history of the taxpayer, the average amount of payments made by the taxpayer and the cost to the Department of the taxpayer's participation in the program versus the cost to the Department of processing traditional forms of payment from the taxpayer.
- Once an applicant has been approved as a voluntary participant, all required payments must be made by electronic funds transfer for the next twelve months. Voluntary participants may not switch back and forth between electronic funds transfer and payment by check or draft. Failure to pay by the due date by electronic funds transfer may be grounds for dismissal from voluntary participation in the program.

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENTS

e) The Department is accepting voluntary electronic funds transfer payments of the following taxes and fees:

ICT-1, Electricity Distribution and Invested Capital Tax Estimated Payment

ICT-4, Electricity Distribution and Invested Capital Tax Return (payment only)

IL-501, Illinois Withholding Tax Payment

IL-501-1, Automatic Extension Payment for Individuals

IL-505-B, Payment of Automatic Extension for corporations, small business corporations, partnerships, fiduciaries, or exempt organizations

IL-1040-ES, Estimated Income Tax Payment for Individuals

IL-1120-ES, Estimated Income and Replacement Tax Payment for Corporations

PST-1, Prepaid Sales Tax Return (payment only)

PST-3, Prepaid Sales Tax Quarter-Monthly Payment (for accelerated sales tax filers)

RC-1, Gas Revenue Tax Return (payment only)

RFU-35, Public Utilities Tax Return (payment only)

RFU-50, Public Utilities Quarter-Monthly Payment - Electric, Gas, Telecommunications Excise Tax, and Telecommunications Infrastructure Maintenance Fee

RR-3, Sales and Use Tax Quarter-Monthly Payment (for accelerated sales and use tax filers)

RT-2, Telecommunications Excise Tax Return (payment only)

RT-10, Telecommunications Infrastructure Maintenance Fee Return (payment only)

ST-1, Sales and Use Tax Return (payment only)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Commerce

2) Code Citation: 14 Ill. Adm. Code 180

3) Section Numbers: 180.15  
Proposed Action: New

4) Statutory Authority: Implementing and authorized by Article 9 of the Uniform Commercial Code (810 ILCS 5/Art. 9).

5) A Complete Description of the Subjects and Issues Involved: Intended to reduce the number of rejections for incorrect filings.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other amendments pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Dale Reynolds  
Department of Business Services  
Room 330 Howlett Building  
Springfield, Illinois 62756  
217/782-9524

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: All
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department of Business Services is unaware whether the subject matter of this rulemaking was included on a recent agenda.

The full text of the Proposed Rule begins on the next page:

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE  
 SUBTITLE A: REGULATION OF BUSINESS  
 CHAPTER 1: SECRETARY OF STATE

PART 180  
 UNIFORM COMMERCIAL CODE

Section  
 180.10 Definitions  
 180.11 Business Hours and Location  
 180.12 Sale of Information  
 180.13 Fees  
 180.14 Forms and Documents  
 180.15 Refunds

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 180.15 Refunds

The Uniform Commercial Code Division will not issue refunds of incorrect filing fees in amounts less than \$10.00.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Access to Information
- 2) Code Citation: 2 Ill. Adm. Code 651
- 3) Section Number: Proposed Action:  
651.101 Amendment  
651.103 Amendment  
651.APPENDIX B Amendment
- 4) Statutory Authority: Freedom of Information Act [5 ILCS 140]
- 5) A Complete Description of the Subjects and Issues Involved: The Treasurer proposes to appoint a member of the Law Division to act as the Freedom of Information Officer. The Treasurer also proposes to expand the "Fee Schedule for Duplication of Public Records", which is attached as Appendix B, to include reduced fees for duplication of electronically stored records. Specifically, the Treasurer proposes a fee of five cents per page for documents printed from a computer on 8 1/2" by 11" or 8 1/2" by 14" paper and a fee of fifty cents per computer disk containing public records. Finally, the Treasurer proposes to update the statutory citations.
- 6) Will this Proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this Proposed amendment contain incorporations by reference? No
- 9) Are there any other Proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following the publication of this notice. The Treasurer will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments should be submitted to:

Martin O. Noven  
 Legal Counsel  
 Office of the Illinois State Treasurer  
 Law Division  
 160 North LaSalle Street, Suite S-905  
 Chicago, IL 60601  
 (312) 814-1700



## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations effected: None
- B) Retorting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE C: CONSTITUTIONAL OFFICERS  
CHAPTER VII: TREASURER

## PART 651

## ACCESS TO INFORMATION

## SUBPART A: INTRODUCTION

Section  
651.101  
651.103

Summary and Purposes  
Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section  
651.201  
651.202

Person to Whom Requests are Submitted  
Form and Content of Requests

## SUBPART C: PROCEDURES FOR TREASURER'S OFFICE RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section  
651.301  
651.302

Timeline for Treasurer's Office Response  
Types of Office Responses

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section  
651.401  
651.402

Appeal of a Denial  
Treasurer's Response to Appeal

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section  
651.501  
651.502  
651.503

Inspection of Records at Treasurer's Offices  
Copies of Public Records  
General Materials Available from the Freedom of Information Officer

APPENDIX A  
APPENDIX B  
APPENDIX C  
APPENDIX D  
APPENDIX E  
APPENDIX F  
APPENDIX G

Request for Public Records  
Fee Schedule for Duplication of Public Records  
Approval of Request for Public Records  
Denial of Request for Public Records  
Partial Approval of Request for Public Records  
Deferral of Response to Request for Public Records  
FOIA Appeal, State Treasurer's Response

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5

OFFICE OF THE ILLINOIS STATE TREASURER  
NOTICE OF PROPOSED AMENDMENTS

ILCS 140) and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 13427, effective July 16, 1984; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: INTRODUCTION

Section 651.101 Summary and Purposes

- a) This Part is ~~these rules~~ are established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. ~~Supp--to--Ill--Rev--Stat--1993--ch--116--pars--281--et--seq--~~ The purpose of this Part ~~these rules~~ is to support the policy of providing public access to the public records in the possession of the Office of the State Treasurer while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part ~~creates these rules~~ create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] ~~Ill--Rev--Stat--1993--ch--116--pars--281--et--seq--~~.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 651.103 Definitions

- a) Terms used in this Part ~~these rules~~ shall have the same meaning as in the Freedom of Information Act.
- b) "FOIA" means the Freedom of Information Act.
- c) "Freedom of Information Officer" means the member of the Law Division who is appointed by the Treasurer to be ~~Deputy--State--Treasurer--an individual--who--will--be~~ responsible for receiving and responding to requests for public records.
- d) "Requestor" means a person who submits a request for public records in accordance with this Part ~~these rules~~.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

OFFICE OF THE ILLINOIS STATE TREASURER  
NOTICE OF PROPOSED AMENDMENTS

Section 651.APPENDIX B Fee Schedule for Duplication of Public Records

Type of Duplication

Paper copy from paper original

Per Copy Charge

\$ .35 per 8 1/2" by 11" page  
\$ .35 per 8 1/2" by 14" page  
\$1.00 per page on larger paper

Electronically stored records

\$ .05 per 8 1/2" by 11" page  
\$ .05 per 8 1/2" by 14" page  
\$ .50 per computer disk  
\$1.00 per page on larger paper

Computer-Printout-paper

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Home Ownership Made Easy Act

- 2) Code Citation: 74 Ill. Adm. Code 750

- 3) Section Number: Proposed Action:

750.10 Amendment

750.20 Amendment

750.40 Amendment

750.50 Amendment

750.60 Amendment

750.70 Amendment

750.80 Amendment

750.100 Amendment

750.110 Amendment

750.150 Repealer

APPENDIX A Amendment

APPENDIX C Amendment

- 4) Statutory Authority: Home Ownership Made Easy Act [310 ILCS 55] (see Public Act 87-1206, effective September 25, 1992).

- 5) A Complete Description of the Subjects and Issues Involved: The Treasurer proposes to delete all references to the Old H.O.M.E. Program and retain all references to the New H.O.M.E. Program. The Treasurer also proposes to update the statutory citations and make other non-substantive changes.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following the publication of this notice. The Treasurer will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments should be submitted to:

Martin O. Noven  
Legal Counsel  
Office of the Illinois State Treasurer

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

Law Division  
160 North LaSalle Street, Suite S-905  
Chicago, Illinois 60601  
(312) 814-8950

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations effected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed amendments begins on the next page:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

TITLE 74: PUBLIC FINANCE  
CHAPTER V: TREASURER

## PART 750

## HOME OWNERSHIP MADE EASY ACT

## Section

750.10 Definitions  
 750.20 Treasurer's Authority to Make and Continue Contracts and Agreements  
 750.30 Eligibility for the Program  
 750.40 Certification of Program Depositories  
 750.50 Enrollment Procedures  
 750.60 Saver Deposit/Withdrawal Options  
 750.70 Participant Statements  
 750.80 Tax Reporting  
 750.90 Transfer Requests  
 750.100 Termination Requests  
 750.110 Treasurer's Certification of H.O.M.E. Participants  
 750.120 Benefits of Program Certification  
 750.130 Illinois Housing Development Authority Mortgage Priority  
 750.140 Program Depository Requirements  
 750.150 Payment of Expenses  
 750.160 A Certification Notice Form  
 APPENDIX A Certification Instruction Form  
 APPENDIX B Account Enrollment Form  
 APPENDIX C Account Report Form  
 APPENDIX D Account Report Form

AUTHORITY: Implementing and authorized by the Home Ownership Made Easy Act of 1989 [310 ILCS 55] (see Public Act 87-1206, effective September 25, 1992).

SOURCE: Adopted at 15 Ill. Reg. 14121, effective September 17, 1991; amended at 16 Ill. Reg. 203, effective December 18, 1991; amended at 16 Ill. Reg. 17359, effective October 28, 1992; old Part repealed, new Part adopted at 17 Ill. Reg. 9081, effective June 8, 1993; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 750.10 Definitions

The following definitions shall apply to this Part:

"Account Enrollment Form" A form, substantially similar to Appendix C of this Part, which will be filed by a Program Depository upon enrolling a Participant.

"Account Report Form" A form, substantially similar to Appendix D of this Part.

"Administering--Financial--Institutions--The--financial--institution

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

designated---by---the---Treasurer---to---manage---the---H.O.M.E.---fund---for  
 investments---of---Participants---enrolled---prior---to---the---effective---date---of  
 this---Part:

"Certification Instruction Form" A form, substantially similar to Appendix B of this Part, which will accompany the Certification Notice Form.

"Certification Notice Form" A form, substantially similar to Appendix A of this Part.

"Effective Date" The effective date of P.A. 87-1206, H.B. 4119, the 1992 amendment to the Home Ownership Made Easy Act, which is September 25, 1992.

"Employer Direct-Deposit Program" A program administered by a Participant's employer and Program Depository to make a direct deposit of some portion of the Participant's paycheck into a H.O.M.E. account.

"Matching Deposit Program" A program by which a Participant's employer will match deposits made to a H.O.M.E. account according to a schedule determined by such employers individually.

"Notice--Date"--A date within 18 months of the Effective Date on which the Treasurer will notify Program Participants who enrolled prior to the Effective Date that such Participants must transfer their deposits to a certified Program Depository.

"Passbook Savings Account" An account at a certified Program Depository which utilizes a passbook retained by the Program Participant.

"Program Depositories" The financial institutions certified by the Treasurer which will market and administer the H.O.M.E. Program after the Effective Date.

"Qualifying Balance for transfer tax return eligibility" That portion of the purchase price of a home for which a certified H.O.M.E. Participant is exempt from paying the State real estate transfer tax.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.20 Treasurer's Authority to Make and Continue Contracts and Agreements

To provide for administration of the Home Ownership Made Easy Act of 1989, as amended ("H.O.M.E." or the "Program"), the Treasurer may enter into such

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

## contracts as may be necessary:

- a) When:
- 1) it is more cost efficient;
  - 2) Services are not provided by other State agencies;
  - 3) It results in lower costs or higher effectiveness or quality of services or responsiveness.
- b) Such contracts include, but are not limited to, contracts for the administration and distribution of investment options by third parties and for investment advisory and transfer agency services to be performed by third parties.
- c) The current Administering Financial Institution may continue to manage investments in the H.O.M.E. Fund of Participants with deposits in the Administering Financial Institution until all such Participants have received refunds of such deposits:

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.40 Certification of Program Depositories

- a) The following are eligible to apply for certification as a Program Depository:
- 1) Any federally chartered commercial bank or savings and loan association organized and operating in this State pursuant to the laws of the United States;
  - 2) Any bank subject to the Illinois Banking Act (411 Rev. Stat. 1991 ch. 117, pars. 901 et seq.) (205 ILCS 5);
  - 3) Any savings and loan association subject to the Illinois Savings and Loan Act of 1985 (411 Rev. Stat. 1991 ch. 117, pars. 9501 et seq.) (205 ILCS 105);
  - 4) Any credit union subject to the Illinois Credit Union Act (411 Rev. Stat. 1991 ch. 117, pars. 4401 et seq.) (205 ILCS 325);
  - 5) Any broker or dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 789 et seq.);
  - 6) Any dealer registered under the Illinois Securities Law of 1933 (411 Rev. Stat. 1991 ch. 121 1/2, pars. 1391 et seq.) (181 ILCS 5).
- b) Applications for certification as a Program Depository shall be evaluated according to the following criteria:
- 1) A commitment to making home ownership a reality for a broad base of Illinois residents;
  - 2) Current and/or past participation in the Treasurer's other Programs;
  - 3) Ability to comply with the reporting and other requirements of the H.O.M.E. Act and this Part.
- c) Applications shall be by letter from the financial institution to the Treasurer, describing how the financial institution meets the criteria for participation.

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

- d) The Treasurer shall, from time to time, evaluate Program Depositories in order to insure that the goals of the H.O.M.E. program are being furthered efficiently and to the fullest extent possible. The Treasurer shall withdraw certification from any Program Depository on 30 days notice if such Program Depository:
- 1) violates this Part, or
  - 2) is determined by a court of competent jurisdiction to have violated any fair housing laws.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.50 Enrollment Procedures

- a) New H.O.M.E. Programs--After the Effective Date--new Participants may enroll in the Program as follows:
- a1) Participants shall select an Illinois financial institution certified as a Program Depository by the Treasurer. A list of financial institutions so certified is available from the H.O.M.E. office, or by calling 312-814-1700 1-800-595-1164.
  - b2) Each Program Depository will determine the type or types of investment options which will be offered to Program Participants. Permissible investments include, but are not limited to statement savings accounts, passbook savings accounts, certificates of deposit, and securities accounts. A representative of the Program Depository will present the investment option or options available at that Program Depository to the Participant, who shall then make an initial deposit. The investment account must be specifically designated as a H.O.M.E. account and must be insured in one of the following: the Federal Deposit Insurance Corporation, the National Credit Union Association, or the Securities Investors Protection Corporation.
  - c3) Where the selection for the investment option is a Passbook Savings Account, the initial deposit amount shall be no less than \$100. A Program Depository need not offer a Passbook Savings Account as an investment option. The Program Depository may determine the minimum deposit for alternative investment options. Subsequent deposits may be made in any amount subject to the requirements of the Program Depository.
  - b) 01d--H.O.M.E. Program--Participants with deposits in the Administering Financial Institution may continue to participate in the Program after the Effective Date by selecting a Program Depository and depositing their H.O.M.E. savings to a certified Program Depository no later than 90 days after the Notice Date:
  - c) 01d--H.O.M.E. Program--If a Participant with deposits in the Administering Financial Institution does not before 90 days after the Notice Date select and deposit such Participant's refund to a certified Program Depository--the Treasurer will direct the Administering Financial Institution to refund such Participant's



## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

deposits with a notice stating that the deposit amount must be reinvested in a certified Program Depository within 30 days in order to maintain the Participant's eligibility for Program benefits.

d) Old H.O.M.E. Program: If the Administering Financial Institution is unable to refund the deposits of any Participant, the Treasurer will direct the Administering Financial Institution to transfer such deposits to a certified Program Depository designated by the Treasurer in the name of the Participant.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.60 Saver Deposit/Withdrawal Options

- a) Old H.O.M.E. Program: Participants with deposits in the Administering Financial Institution who have not transferred their deposits to a certified Program Depository may make deposits as follows:
- 1) Pre-authorized withdrawals from a saver's checking account on a monthly basis in the amount of \$50 or more provided such authorization was provided before the Notice Date.
  - 2) Coupon remittances to be used either monthly, quarterly or semi-annually to accompany checks or money orders in the amount of \$50 or more. The saver will be provided with deposit coupons.
- b) New H.O.M.E. Program: All Participants holding accounts with Program Depositories shall make deposits and withdrawals according to rules determined by the Program Depositories individually. Deposit arrangements may include Employer Direct Deposit and Matching Deposit Programs.

## Section 750.70 Participant Statements

- a) Old H.O.M.E. Program: Participants with deposits in the Administering Financial Institution who have not transferred their deposits to a certified Program Depository shall receive statements as follows:
- 1) Each such Participant will receive a monthly statement from the H.O.M.E. Fund showing the beginning balance, deposits and withdrawals during the month, dividends paid, yield on Participant's fund for period and ending balance.
  - 2) The back of the statement will have a section to be used for address changes, name changes and withdrawal and termination requests.
- b) New H.O.M.E. Program: Participants with accounts at certified Program Depositories shall receive statements from the Program Depository holding such Participant's account according to rules determined by the Program Depositories individually. Provided such statements will issue annually at the minimum.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

## Section 750.80 Tax Reporting

- a) Old H.O.M.E. Program: For Program Participants with deposits in the Administering Financial Institution, a report of dividends earned for tax reporting purposes will be mailed within thirty-one (31) days after the end of each calendar year.
- b) New H.O.M.E. Program: Program Participants with accounts at certified Program Depositories will receive reports of interest or dividends earned according to rules adopted by the Program Depositories individually.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.100 Termination Requests

- a) Old H.O.M.E. Program: Program Participants with deposits in the Administering Financial Institution who have not transferred their accounts to a Program Depository may terminate participation by submitting a request to close their account using the termination request form printed on the back of each monthly statement. If such a Program Participant requests that the proceeds of his account be wired to an account at a financial institution, a wire charge of \$18 will be assessed. The wire charge will be deducted from the Participant's account balance and the net proceeds wired accordingly. The wire charge will be shown separately from the termination on the Participant's final account statement.
- b) New H.O.M.E. Program: Program Participants with accounts at a certified Program Depository may terminate participation by notifying their Program Depository according to rules determined by the individual Program Depositories. Such Participants should designate their intention either to terminate participation in the program or to transfer to another Program Depository on the Account Report form.
- c) A terminating Participant may, within 60 days after submitting a termination request, reinvest such Participant's proceeds in a certified Program Depository. Such Participants should check the box designated "Transferred Account" on the Account Enrollment form filed with the Transferor's Program Depository. For the purpose of determining Program benefits, participation will relate to the initial enrollment date.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.110 Treasurer's Certification of H.O.M.E. Participants

- a) Old H.O.M.E. Program: For terminating Program Participants with deposits in the Administering Financial Institution who have not transferred their accounts to a Program Depository, the Treasurer



OFFICE OF THE ILLINOIS STATE TREASURER  
NOTICE OF PROPOSED AMENDMENTS

Section 750.APPENDIX A Certification Notice Form

CERTIFICATION NOTICE

The individual(s) names below have met the requirements established for the H.O.M.E. program and are hereby given certification status. The certification entitles the H.O.M.E. Saver(s) to the benefits of the program as defined in its rules.

Name(s) \_\_\_\_\_  
Address \_\_\_\_\_  
Account # \_\_\_\_\_

Transfer Tax Credit Up To \_\_\_\_\_

Total income earned on H.O.M.E. investments during participation in the program may be subtracted in computing the Participant's Illinois base income for the year in which the Participant acquires his or her interest in residential real estate under the Illinois Income Tax Act.

Total income earned \_\_\_\_\_

Treasurer's Office

Date of Issuance: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

This certificate expires in six (6) months. To renew the certificate, call the H.O.M.E. office at 312-814-1700 1-800-595-1164. You may renew the certificate once, for an additional six (6) months.

To receive an exemption from the Real Estate Transfer tax for your home purchase, have the seller(s) of the home you purchased and a witness who is not a party of the real estate transaction sign this certification.

NOTE: A H.O.M.E. saver is only eligible for waiver of the Real Estate Transfer Tax where the H.O.M.E. saver, as buyer, has taken the contractual responsibility of paying such transfer tax.

We/I hereby certify that the buyer is contractually responsible for payment of the Real Estate Transfer Tax as part of the sale of this property, as shown on the statement of closing proceeds and that we/I are the parties/witness to this transaction.

H.O.M.E Saver(s) date \_\_\_\_\_ Seller(s) date \_\_\_\_\_  
H.O.M.E Saver(s) date \_\_\_\_\_ Seller(s) date \_\_\_\_\_

OFFICE OF THE ILLINOIS STATE TREASURER  
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
Witness \_\_\_\_\_ date \_\_\_\_\_

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED AMENDMENTS

## Section 750.APPENDIX C Account Enrollment Form

## ACCOUNT ENROLLMENT FORM

Owner's Name (First, Initial, Last)

Owner's Social Security Number

Date of Birth

Street or P.O. Box Number

Phone

City State Zip

Joint Owner's Name (First, Initial, Last)

Joint Owner's Social Security Number

Date of Birth

Street or P.O. Box Number

Phone

City State Zip

Date of Enrollment:

Initial Account Balance: 9999

Check one:

New H.O.W.B. Saver

Transferred account

Transfer from H.O.W.B. Fund

Investment type: June-87-1993

Deposit method: June-87-1993

Program Depository Name:

I/we hereby authorize the Program Depository to disclose to the Treasurer's Office such information as is necessary for verification of Program participation.

Signature

Signature

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED REPEALER

## 1) Heading of the Part: Smart Money Program Confidentiality Requirements

## 2) Code Citation: 74 Ill. Adm. Code 730

## 3) Section Number: Proposed Action:

730.20 Repealer

730.30 Repealer

730.40 Repealer

## 4) Statutory Authority: Previously required by Federal Assistance Rules (codified at 7 CFR 272.1, 42 CFR 431.300-307 and 45 CFR 205.50-58) and the Illinois Public Aid Code [305 ILCS 5/11-10].

## 5) A Complete Description of the Subjects and Issues Involved: The Treasurer proposes to repeal this Part in its entirety. Inasmuch as this program has been combined with the existing programs of the Illinois Department of Public Aid, separate confidentiality requirements are no longer necessary. The Treasurer also proposes to delete an old statutory citation.

## 6) Will this proposed rule replace an emergency rule currently in effect? No

## 7) Does this rulemaking contain an automatic repeal date? No

## 8) Does this proposed repealer contain incorporations by reference? No

## 9) Are there any other proposed amendments pending on this Part? No

## 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

## 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following the publication of this notice. The Treasurer will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments should be submitted to:

Martin O. Noven  
Legal Counsel  
Office of the Illinois State Treasurer  
Law Division  
160 North LaSalle Street, Suite 8-905  
Chicago, Illinois 60601  
(312) 814-8950

## 12) Initial Regulatory Flexibility Analysis:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED REPEALER

- A) Types of small businesses, small municipalities and not for profit corporations effected: None
- B) Retortina, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the proposed repealer begins on the next page:

## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED REPEALER

TITLE 74: PUBLIC FINANCE  
CHAPTER V: TREASURER  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 730

## SMART MONEY PROGRAM CONFIDENTIALITY REQUIREMENTS (REPEALED)

## Section

730.10 Confidentiality (Repealed)

730.20 Definitions (Repealed)

730.30 Protection of Confidential Information (Repealed)

730.40 Exceptions for Disclosure of Recipient Information (Repealed)

AUTHORITY: Required by Federal Public Assistance Rules (codified at 7 CFR 272.1, 42 CFR 431.300-307 and 45 CFR 205.50-58) and the Illinois Public Aid Code [305 ILCS 5/11-10].

SOURCE: Peremptory Rule adopted at 17 Ill. Reg. 1671, effective January 22, 1993; amended at 17 Ill. Reg. 9999, effective June 22, 1993; repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 730.20 Definitions (Repealed)

The following definitions shall apply to this Part:

"Agreement"---shall mean---the---interagency---Agreement---between---the---treasurers---office---and---the---Department---of---Public-Aid---to---administer---the---Smart-Money-Program;

"Public-Aid-Recipients"---or---"Recipients"---shall mean---those---persons---receiving---Federal---and---State---assistance---administered---by---the---Department---of---Public-Aid;

"Recipient-Information"---or---"Information"---shall mean---name---address, social---security---number---social---or---economic---conditions---or---circumstances---and---similar---information---provided---by---the---Department---of---Public-Aid---to---the---Treasurer's-Office;

"Smart-Money-Program"---shall mean---the---program---administered---jointly---by---the---Treasurer---and---the---Department---of---Public-Aid---to---encourage---Public-Aid-Recipients---in---the---use---of---direct-deposit---for---benefits;

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 730.30 Protection of Confidential Information (Repealed)

a) Recipient-Information held by the Treasurer's Office---shall be---used



## OFFICE OF THE ILLINOIS STATE TREASURER

## NOTICE OF PROPOSED REPEAL

only--for the purpose of administering the Smart Money Program and for no political, commercial or other purpose.

b) Access to Recipient Information shall be limited to those Treasury's office employees directly involved in the administration of the Smart Money Program. All Recipient Information shall be stored and processed so as to prevent disclosure to unauthorized persons.

e) Recipient Information shall not be subject to general publication or disclosure, except as provided in Section 730-40 of this Part.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 730.40 Exceptions for Disclosure of Recipient Information [Repealed]

a) The address of a Recipient may be released to State or local law enforcement agencies upon written request provided.

b) Address information is disclosed only to law enforcement officers who provide the name and social security number of a Recipient who is a fugitive felon.

c) Location or apprehension of such felon is within the law enforcement officer's official duties; and

d) The request is made in the proper exercise of those duties.

e) Recipient Information may be used by the Treasury's Office or the Department of Public Aid in connection with any audit or similar activity conducted in connection with the administration of the Smart Money Program or by any other governmental agency specifically authorized by law to conduct such an audit or similar activity.

f) Recipient Information may be used by any authorized governmental or law enforcement agency in the investigation of fraud in connection with Federal and State assistance administered by the Department of Public Aid.

g) Recipient Information may be released with the prior permission of the Recipient.

h) If Recipient Information is released pursuant to a court order, the Treasury's Office must apprise the court of all relevant statutes and rules safeguarding such information.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Weights and Measures Act

2) Code Citation: 8 Ill. Adm. Code 600

3) Section Numbers: Adopted Action:  
600.330 New Section  
600.TABLE C Amended  
600.TABLE F Amended

4) Statutory Authority: Section 8 of the Weights and Measures Act [225 ILCS 470/8]

5) Effective Date of Amendments: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 1, 1998

9) Notices of Proposal Published in Illinois Register:  
October 3, 1997, 21 Ill. Reg. 13209

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between Proposal and final version: Nonsubstantive editorial corrections were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: In Section 600.330, the Department is exempting a retroactive requirement of the National Institute of Standards and Technology (NIST) published in the NIST Handbook 44 regarding the following: NIST Handbook 44 will require all vehicle tank meters to be equipped with a ticket printer effective January 1, 1999. The Department as well as the Illinois Petroleum Marketers Association (IPMA) oppose this NIST rule and believe it would be very costly to industry to comply with the requirement.

The Grain & Feed Association of Illinois requested the Department to amend this Part delaying the implementation of NIST Handbook 44, Section 5.56(a) Grain Moisture Meters, until January 1, 2000. Section 5.56(a)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

Handbook 44 will require that any new grain moisture measuring device purchased after January 1, 1998 be NTEP approved. This NIST requirement will prohibit a grain elevator operator from purchasing the United States Department of Agriculture official meter which is not and cannot be NTEP approved. Some of the new NTEP approved devices will blank out at certain moisture and temperature ranges causing confusion between grain dealers and farmers. These issues should be resolved by January 1, 2000 allowing for an orderly implementation of the new code requirements. Grain dealers will be able to continue to purchase current models approved by the Illinois Department of Agriculture. Until the implementation of NIST Handbook 44, Section 5.56(a), the applicability date for NIST Handbook 44, Section 5.56(b), shall be extended and shall apply. The Illinois Farm Bureau has expressed its support of this amendment, too.

Information in Sections 600.TABLE C and 600.TABLE F is being corrected.

- 16) Requests for information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
217/785-5713  
Fax: 217/785-4505

The full text of Adopted Amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER P: WEIGHTS AND MEASURES

## PART 600

## WEIGHTS AND MEASURES ACT

## SUBPART A: PACKAGING AND LABELING

Section	
600.1	National Institute of Standards and Technology Handbook 130
600.10	Definitions (Repealed)
600.20	Application (Repealed)
600.30	Identity (Repealed)
600.40	Declaration of Identity: Nonconsumer Package (Repealed)
600.50	Declaration of Responsibility: Consumer and Nonconsumer Packages (Repealed)
600.60	Declaration of Quantity: Consumer Packages (Repealed)
600.70	Declaration of Quantity: Nonconsumer Packages (Repealed)
600.80	Prominence and Placement: Consumer Packages (Repealed)
600.90	Prominence and Placement: Nonconsumer Package (Repealed)
600.100	Requirements: Specific Consumer Commodities, Packages, Containers (Repealed)
600.110	Exemptions (Repealed)
600.120	Variations to be Allowed (Repealed)
600.130	Standards of Fill (Repealed)
600.140	Wholesale and Retail Exemption
600.150	Revocation of Conflicting Regulations (Repealed)
600.160	Tables: Weights and Measures Standards for Illinois

## SUBPART B: ROOFING AND ROOFING MATERIALS

Section	
600.250	Roofing and Roofing Materials Shall Be Sold Either by the "Square" or by the "Square Yard." (Repealed)

## SUBPART C: WEIGHING AND MEASURING DEVICES:

## METERS --- SCALES --- FEES

Section	
600.300	Vehicle Scales Regulation
600.310	Fees
600.320	Scales Used for the Enforcement of Highway Weight Laws
600.330	National Institute of Standards and Technology Handbook 44

## SUBPART D: MOISTURE METER TESTING

Section	
---------	--

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

600.350 General (Repealed)  
 600.360 Testing and Inspection (Repealed)  
 600.370 Rejected Moisture Testing Devices (Repealed)  
 600.380 Use of Moisture Measuring Devices (Repealed)

SUBPART E: REGISTRATION OF SERVICE AGENCIES, SERVICEMEN,  
 AND SPECIAL SEALERS FOR COMMERCIAL  
 WEIGHING AND MEASURING DEVICES

Section  
 600.450 Policy (Repealed)  
 600.460 Definitions (Repealed)  
 600.470 Certificate of Registration (Repealed)  
 600.480 Types of Certificates (Repealed)  
 600.490 Examinations (Repealed)  
 600.500 Exemptions (Repealed)  
 600.510 Registration Fee (Repealed)  
 600.520 Reports (Repealed)  
 600.530 Bonds (Repealed)  
 600.540 Standards and Testing Equipment (Repealed)  
 600.550 Revocation of Certificate of Registration (Repealed)  
 600.560 Publication of Lists (Repealed)

## SUBPART F: LIQUID PETROLEUM MEASURING DEVICES

Section  
 600.650 Use of Gasoline Pumps Which Are Not Capable of Computing the Prices Which Exceed 99.9¢ Per Gallon  
 600.660 Retail Liquid Petroleum Pumps Accurately Marked: Liters or Gallons  
 600.670 System Used to Sell Petroleum Product  
 600.680 Unit Price Per Gallon Displayed (Repealed)  
 600.690 Price of Gasoline  
 600.700 Unit Price Indicator: Set at One-Half Total Selling Price  
 600.710 Decals or Stickers Affixed to the Pump Face  
 600.720 Information Sign Indicating Half Gallon Pricing of Gasoline  
 600.730 Conversion Kits or Replacement Pumps: Deadline (Repealed)  
 600.740 Three-Wheel Computers Prohibited  
 600.750 One-Half Gallon Pricing Applicable to All Metering Pumps at Facility  
 600.760 Stop Use Order: Hearing

SUBPART G: ADVERTISEMENT OF THE PRICE OF LIQUID  
 PETROLEUM PRODUCTS

Section  
 600.800 Price Per Gallon or Liter in Advertisement  
 600.810 Height and Width of Numbers  
 600.820 Advertised Price Complete  
 600.830 Advertising Other Commodities; Misleading Advertising Prohibited

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

600.840 Product Identity and Type of Service  
 600.850 Advertisement of Price Not Required Except on Pump  
 600.860 Stop Use Order: Hearing

TABLE A Minimum Height of Numbers and Letters (Repealed)  
 TABLE B Standard Weight Per Bushel for Agricultural Commodities  
 TABLE C Illinois Standard Weights and Measures  
 TABLE D Equivalents: Cubic Inches in U.S. Standard Capacity Measures  
 TABLE E Weights of Coal Per Cubic Foot  
 TABLE F Equivalents to be used by Seller in Transposing Weights  
 TABLE G Measurement of Surfaces and Volumes

AUTHORITY: Implementing and authorized by Section 8 of the Weights and Measures Act [225 ILCS 470/8].

SOURCE: Rules and Regulations Relating to the Weights and Measures Act, filed December 17, 1969, effective January 1, 1970; amended November 5, 1971, effective November 15, 1971; amended August 26, 1975, effective September 4, 1975; amended March 22, 1976, effective April 1, 1976; amended at 3 Ill. Reg. 45, p. 72, effective October 29, 1979; amended at 3 Ill. Reg. 45, p. 81, effective January 1, 1980; codified at 5 Ill. Reg. 10562, effective October 1, 1981; amended at 12 Ill. Reg. 8306, effective May 3, 1988; amended at 12 Ill. Reg. 15524, effective September 20, 1988; emergency amendment at 18 Ill. Reg. 4426, effective March 7, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14692, effective September 13, 1994; amended at 19 Ill. Reg. 8114, effective June 7, 1995; amended at 20 Ill. Reg. 303, effective January 1, 1996; amended at 22 Ill. Reg. 1434, effective JAN 01 1996.

## SUBPART C: WEIGHING AND MEASURING DEVICES:

## METERS -- SCALES -- FEES

Section 600.330 National Institute of Standards and Technology Handbook 44

*Specifications, tolerances, and regulations for commercial weighing and measuring devices recommended by the National Institute of Standards and Technology and published in National Institute of Standards and Technology Handbook 44 and supplements thereto or in any publication revising or superseding Handbook 44 shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of this State, except insofar as specifically modified, amended, or rejected by a resolution issued by the Director (Section 8 of the Weights and Measures Act [225 ILCS 470/8]).*  
 National Institute of Standards and Technology Handbook 44 is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The following sections of the National Institute of Standards and Technology's Handbook 44 shall not be adopted unless a different implementation date is specified:

a) UR.2.2, Ticket Printer; Customer Ticket in Sec. 3.31 Vehicle-Rank  
 Meters User Requirements.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

- b) Sec. 5.56.(a) Grain Moisture Meters. Sec. 5.56.(a) shall be effective January 1, 2000. The applicability date for Section 5.56.(b) Grain Moisture Meters is extended until the implementation of Sec. 5.56.(a).

(Source: Added at 22 Ill. Reg. 1146.1.1, effective JAN 01 1998.)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 600.TABLE C Illinois Standard Weights and Measures

## United States Linear Measure

12 inches (in.) = 1 foot (ft.)  
 3 ft. = yard (yd.) = 36 inches  
 5 1/2 yards = 1 rod (rd.) = 16 1/2 feet  
 320 rods = 1 mile (mi.) = 1760 yards = 5,280 feet

## Chain Measure (Gunter's or Surveyor's Chain)

7.92 inches = 1 link (li.)  
 100 li. = 1 chain (ch) = 66 feet  
 80 ch. = 1 mile (mi)  
 The engineer's chain is 100 feet long and consists of 100 links of 12 inches each. 52.8 chains = 1 mile.

## Square Measure

144 square inches (sq. in.) = 1 square foot (sq. ft.)  
 9 sq. ft. = 1 sq. yard (sq. yd.)  
 30 1/4 sq. yard = 1 square rod (sq. rd.) = -272 1/4 sq. ft.  
 160 sq. rd. = 1 acre (a) = 4,840 sq. yd. = 43,560 sq. ft.

## Surveyor's Measure

625 square links (sq. li.) = 1 square rod (sq. rd.)  
 16 sq. rods = 1 square chain (sq. ch.)  
 10 sq. ch. = 1 acre (a)  
 640 a. = 1 square mile (sq. mi.)  
 36 sq. mi. (6 mi. sq.) = 1 township (tp.) = 2,304 a.

## Cubic Measure

1728 cubic inches (cu. in.) = 1 cubic foot (cu. ft.)  
 27 cu. ft. = 1 cubic yard (cu. yd.)

## United States Liquid Measure

4 gills (gi) = 1 pint (pt)  
 2 pt. = 1 quart (qt) = 8 gills  
 4 qt. = 1 gallon (gal.) = 8 pints = 32 gills  
 31 1/2 gal. = 1 barrel (bbl) = 126 quarts.  
 2 bbl. = 1 hoghead (hhd) = 63 gallons = 252 quarts.

## Apothecaries' Fluid Measure

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

60 minims (m.) = 1 fluid dram (fl. dr.)  
 8 fl. dr. = 1 fluid ounce (fl. oz.) = 480 minims  
 16 fl. oz. = 1 pint (p.) = 128 fl. dr. = 7,680 m.  
 8 p. = 1 gallon (gall.) = 128 fl. oz. = 1,024 fl. dr.

## U.S. Dry Measure

2 pints (pt.) = 1 quart (qt.)  
 4 qt. = 1 peck (pk.) = 16 pints  
 1 pk. = 1 bushel (bu.) = 32 quarts = 64 pints  
 105 quarts = 1 barrel (for fruits and vegetables) =  
 7,056 cubic inches.

## Avoirdupois Weight

27 11/32 grains (gr.) = 1 dram (dr.)  
 16 gr. = 1 ounce (oz.) = 437 1/2 grains  
 16 oz. = 1 pound (lb.) = 136 drams = 7,000 grains  
 100 lbs. = 1 hundred weight (cwt.) = 1600 ounces  
 20 cwt. = 1 ton (t.) = 2,000 pounds

## Troy Weight

24 grains (gr.) = 1 pennyweight (dwt.)  
 20 dwt. = 1 ounce (oz.) = 480 grains  
 12 oz. = 1 pound (lb.) = 240 dwt. = 5,760 gr.

## Apothecaries' Weight

20 grains (gr.) = scruple  
 3 scruples = 1 dram = 60 grains  
 8 drams = 1 ounce = 24 scruples = 480 grains  
 12 ounces = 1 pound (lb.) = 96 drams = 288 scruples =  
 5,760 grains

## The Metric System

The metric system is based on a unit of length (the meter.). A cubic box one-tenth of a meter on the side has the unit of capacity, a liter, and the water contained in a liter weighs one kilogram. The unit of weight, the gram, in the metric system is the weight of water contained in a cubical box one-hundredth of a meter on a side. (Note: These values are not precisely correct but hold for all but the most refined measurements.)

The entire system is then built up by multiplying or dividing the unit by ten, one hundred and one thousand, using always the same prefix to indicate what the unit is multiplied or divided by, thus:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

milli means 1/1000 or divided by 1000  
 centi means 1/100 or divided by 100  
 deci means 1/10 or divided by 10  
 deka means 10 or multiplied by 10  
 hekto means 100 or multiplied by 100  
 kilo means 1000 or multiplied by 1000

The tables then become:

## Length

10 milli-meters = 1 centi-meter  
 10 centi-meters = 1 deci-meter  
 10 deci-meters = 1 meter  
 10 meters = 1 deka-meter  
 10 deka-meters = 1 hekto-meter  
 10 hekto-meters = 1 kilo-meter

## Weight

10 milli-grams = 1 centi-gram  
 10 centi-grams = 1 deci-gram  
 10 deci-grams = 1 gram  
 10 grams = 1 deka-gram  
 10 deka-grams = 1 hekto-gram  
 10 hekto-grams = 1 kilogram

## Capacity

10 milli-liters = 1 centi-liter  
 10 centi-liters = 1 deci-liter  
 10 deci-liters = 1 liter (1 cubic deci-meter)  
 10 liters = 1 deka-liter  
 10 deka-liters = 1 hekto-liter  
 10 hekto-liters = 1 kilo-liter

## Area

100 sq. meters = 1 are.  
 100 are. = 1 hectare  
 100 hectares = 1 sq. kilometer

In the metric system there is but one standard of weight, one standard of measure for liquids and dry commodities alike, and but one standard of length.

(Source: Amended                     ,  
 at                     ,  
 22 Ill. Reg.                     ,  
 effective                     ,  
                     19                    )



## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 600. TABLE F Equivalents to be used by Seller in Transposing Weights

Leverage or multiplication of scale 1 to 1.

- 1 dwt. = 1 scruple 4 gr.  
 2 dwt. = 2 scruples 8 gr.  
 3 dwt. = 1 dr. 12 gr.  
 4 dwt. = 1 1/2 dr. 6 gr.  
 5 dwt. = 2 dr.  
 6 dwt. = 2 dr. 1 scruple 4 gr.  
 7 dwt. = 2 dr. 2 scruples 8 gr.  
 8 dwt. = 3 dr. 12 gr.  
 9 dwt. = 3 1/2 dr. 6 gr.  
 10 dwt. = 4 dr.  
 20 dwt. = 1 oz. av. ± 2 scruples ± 2.5 gr.  
 2 oz. T. = 2 oz. av. ± 1/8 oz. ± 1/16 oz. ± 3 gr.  
 4 oz. T. = 4 oz. av. ± 1/4 oz. ± 1/8 oz. ± 6 gr.  
 8 oz. T. = 8 oz. av. ± 1/2 oz. ± 1/4 oz. ± 12 gr.  
 1 lb. T. = 12 oz. av. ± 1/8 oz. ± 1.8 gr.

Leverage or multiplication of scale, 1 to 100

- 49 lb. flour weight = 7 oz. av. + 1/2 oz. + 1/4 oz.  
 + 1/16 oz. + 12 gr.  
 98 lb. flour weight = 15 oz. av. + 1/2 oz. + 1/8 oz.  
 + 24 gr.  
 196 lb. flour weight = 1 lb. av. + 15 oz. + 1/4 oz.  
 + 1/16 oz. + 20.8 gr.  
 60 lb. wheat weight = 9 oz. av. + 1/2 oz. + 1/16 oz.  
 + 16.4 gr.  
 120 lb. wheat weight = 1 lb. av. + 3 oz. + 1/8 oz.  
 + 1/16 oz. + 5.4 gr.  
 180 lb. wheat weight = 1 lb. av. + 12 oz. + 1/2 oz.  
 + 1/4 oz. + 21.9 gr.  
 300 lb. wheat weight = 3 lb. av.  
 600 lb. wheat weight = 6 lb. av.

Leverage or multiplication of scale, 1 to 55 1/3

- 24 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.  
 40 lb. weight = 12 oz.  
 80 lb. weight = 1 lb. 8 oz.

Leverage or multiplication of scale, 1 to 66 2/3

- 30 lb. weight = 7 oz. av. + 1/8 oz. + 1/16 oz. + 5.5 gr.  
 50 lb. weight = 12 oz.  
 100 lb. weight = 1 lb. 8 oz.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 22 Ill. Reg. 111, effective  
 JAN 01 1998)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Prequalification of Architects and Engineers

2) Code Citation: 44 Ill. Adm. Code 980

3) Section Numbers: Adopted Action:

980.110	Repeal
980.120	Repeal
980.130	Repeal
980.140	Repeal
980.150	Repeal
980.160	Repeal
980.170	Repeal
980.180	Repeal
980.190	Repeal

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 1A-11 of that Act.

5) Effective date of Repeal: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: December 29, 1997

9) Notice of Proposal Published in Illinois Register: September 19, 1997; 21 Ill. Reg. 12779.

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference(s) between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR requested no changes.

13) Will this repealer replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: This Part being repealed will be replaced by new adopted rules published in the same issue of the Illinois Register.

16) Information and questions regarding this adopted repealer shall be directed to:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

Claire Gibson, Deputy Chief Counsel  
Capital Development Board  
3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-2864

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Prequalification of Architects and Engineers2) Code Citation: 44 Ill. Adm. Code 9803) Section Numbers: Adopted Action:

New  
980.110  
New  
980.120  
New  
980.130  
New  
980.140  
New  
980.150  
New  
980.160  
New  
980.170  
New  
980.180  
New  
980.190  
New  
980.200  
New  
980.210  
New  
980.300  
New  
980.310  
New  
980.320  
New  
980.400  
New  
980.410  
New  
980.420  
New  
980.430  
New  
980.440  
New  
980.450  
New  
980.460  
New  
980.470  
New  
980.480  
New  
980.500  
New  
980.510  
New  
980.520  
New  
980.530  
New  
980.540

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 1A-11 of that Act.5) Effective date of Rules: January 1, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date filed in Agency's Principal Office: December 29, 19979) Notice of Proposal Published in Illinois Register: September 19, 1997; 21 Ill. Reg. 12764.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

10) Has JCAB issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version: Changes made were in response to comments made by JCAB. The changes were not substantive and limited to grammatical and stylistic changes.12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreement letter issued by JCAB? Yes.13) Will this rule replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rules: Replaces prequalification rules being repeated. Provides greater detail in many areas, including causes for CDB action on prequalification status. Eliminates prequalification of joint ventures and consultants (subcontractors) that are not architects or engineers.16) Requests for information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel  
Capital Development Board  
3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-1392

The full text of the adopted rule begins on the next page:

CAPITAL DEVELOPMENT BOARD  
NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT  
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 980  
PREQUALIFICATION OF ARCHITECTS AND ENGINEERS

SUBPART A: RESPONSIBILITY

Section  
980.110 Purpose  
980.120 Definitions  
980.130 Prequalification Required  
980.140 Special Projects  
980.150 Confidentiality  
980.160 Sources for Determining Responsibility  
980.170 Department of Professional Regulation Action  
980.180 Prequalification of Firms and Office Locations  
980.190 Types of Profile Codes  
980.200 Processing of Architect-Engineer Prequalification Application  
980.210 Ineligibility

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF  
PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION

Section  
980.300 Actions Affecting Responsibility and Prequalification  
980.310 Causes for Suspension, Modification of Prequalification, and  
Conditional Prequalification  
980.320 Nullification of Prequalification

SUBPART C: APPLICATION OF CDB ACTION

Section  
980.400 General  
980.410 Violation of CDB Order  
980.420 Denial of Award of Contract  
980.430 Debarment  
980.440 Reapplication for Prequalification  
980.450 Extension of CDB Action  
980.460 Effect on Current Contracts  
980.470 Basis of Decisions  
980.480 Settlement

SUBPART D: PROCEDURES

Section

CAPITAL DEVELOPMENT BOARD  
NOTICE OF ADOPTED RULES

980.500 Review  
980.510 Notice of CDB Action  
980.520 Executive Director  
980.530 Hearings  
980.540 Burden of Proof

AUTHORITY: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 1A-11 of that Act.

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20317, effective October 1, 1984; amended at 9 Ill. Reg. 17329, effective October 29, 1985; amended at 12 Ill. Reg. 20446, effective November 29, 1988; Part repealed, new Part adopted at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 01 1990.

SUBPART A: RESPONSIBILITY

Section 980.110 Purpose

The Capital Development Board professional services agreements shall be awarded only to prequalified architects or engineers. An applicant for prequalification must affirmatively demonstrate its responsibility. In the absence of information clearly indicating that the applicant is responsible, CDB shall make a determination of non-responsibility. Only responsible architects or engineers shall be prequalified and permitted to make submittals on CDB projects.

Section 980.120 Definitions

The following definitions shall apply to this Part:

"A/E" means an architectural or engineering firm that is in the business of offering the practice or furnishing of architectural or engineering services for building projects, which is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois, or which is properly authorized under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes of this Part, this includes licensed individuals transacting business as sole proprietorships, which are not required to be registered with the Department of Professional Regulation.

"CDB" means the Capital Development Board, the agency.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

"Consultant" means a firm or individual who will perform a portion of the contract or assist the A/E in its performance of the contract under a contract with the A/E.

"Contract or Contract Requirements" consist of any and all provisions of the CDB Professional Services Agreement (PSA).

"Office Location" means all locations at which the A/E provides professional services under the license granted by the Department of Professional Regulation and that are under the responsibility of the managing agent for that license.

"Parent Office" means the primary location of the A/E's place of business.

"Key person" means any individual who holds 7 1/2% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that organization who holds a 7 1/2% or more ownership interest is considered a "key person". Regardless of ownership interest, any officer, partner, managing agent or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"Performance Record" consists of, but is not limited to, the following:

Evidence of material compliance with all CDB contract requirements.

Data indicating the A/E has met all contract requirements on previous contracts, private and public.

"Prequalification" is the status granted by CDB to responsible A/E's that permits them to make submittals on CDB projects or be awarded a CDB contract.

"Responsibility" is a determination made by CDB that the A/E is a responsible A/E. The determination may be made at any time. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of an application to CDB, may be changed upon receipt of additional or different information. The A/E is required to inform CDB of any significant change to the information submitted in its application. Each A/E must provide CDB with adequate documentation of responsibility. CDB will ordinarily

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

provide forms for this information. CDB may supplement this information from other sources and may require additional documentation at any time. A responsibility determination may also be verified on an ongoing basis through other information, including performance evaluations and reference contacts.

"Responsible A/E" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required insurance from insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills.

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Types of Profile Codes" means branches of knowledge or expertise of architectural or engineering practice that may be provided by firms and that are listed on CDB's A/E prequalification application.

## Section 980.130 Prequalification Required

CDB shall prequalify A/E's as required by the Architectural Engineering and Land Surveying Qualifications Based Selection (QBS) Act [30 ILCS 535]. Firms must be prequalified prior to any submittal of qualifications or interest for a specified project and prior to entering a contractual relationship with CDB. Firms must also be prequalified for any selection for a project and associated contract exempt from the QBS Act. All architects, engineers and their architectural, engineering, or land surveying consultants shall be prequalified with CDB. Prequalification shall be based upon a determination of responsibility from, but not limited to, the information supplied on a properly completed CDB prequalification application.

## Section 980.140 Special Projects

When CDB determines a construction project is so large or unique that a special A/E responsibility determination is warranted, CDB may set appropriate standards of acceptability different from those set out herein. Other

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

provisions of this Part shall remain applicable.

## Section 980.150 Confidentiality

Documents relating to responsibility determinations of an A/E shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the A/E to which they relate and to units of Federal, State, or local government, including but not limited to, law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the A/E the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the A/E prequalification status with CDB.

## Section 980.160 Sources for Determining Responsibility

To determine an A/E's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the A/E's most recent projects and projects with CDB.

- a) A/E prequalification application form.
- 1) A/E applications shall require at a minimum:
  - A) Completed application form;
  - B) The disclosure of the name of each key person associated with the firm, and their respective percentage of ownership;
  - C) Work experience and resumes relevant to the type of practice and profile codes requested, including resumes of all key personnel;
  - D) Copies of the individual licenses for sole ownership firms transacting business under the individual's real name and applicable professional design firm registration with the Department of Professional Regulation for all firms;
  - E) Certification of compliance with statutory requirements;
  - F) Evidence of insurability with an insurance company acceptable to CDB;
  - G) Work history reference checks. References provided may be verified and documented by the following methods:
    - i) Telephone reference checks; or
    - ii) Reference questionnaire; and
  - H) CDB work history, if CDB projects have been awarded.
- 2) Application updates
 

The A/E shall have an affirmative duty to update significant information within 10 days after occurrence. Significant changes, of which CDB shall be notified, include, but are not limited to:

  - A) Change of entity corporate structure, including sole owners, partnerships, and federal employee identification number;

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- B) Change of name;
- C) Change of address;
- D) Change or loss of personnel in areas that may affect the types of professional practice or profile codes that may have been granted;
- E) Minority/female owned firm status;
- F) Change or initiation of hearing in licensure or registration status with the Department of Professional Regulation;
- G) Status of Secretary of State "good standing" status;
- H) Filing of bankruptcy;
- I) Filing of formal criminal charges against the firm or its officers, owners or employees;
- J) Suspension or debarment by another governmental agency; and
- K) Contract terminations.
- c) Satisfactory CDB work history
 

CDB may review documentation of the A/E's current and past work and performance history, including adherence to CDB's rules, resolutions, and procedures. Such documentation includes, but is not limited to, performance evaluations prepared by CDB, user agencies, or contractors.
- c) Other governmental entities
 

CDB may conduct history reference checks by contacting Federal, State or local governmental entities.
- d) Other sources
 

In order to determine responsibility, CDB may conduct reference checks from any other source, which may include, but is not limited to:

  - 1) Financial institutions;
  - 2) Periodicals;
  - 3) Newspapers;
  - 4) Court records; and
  - 5) Any type of public record.
- e) Previous employment history
 

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.

f) Additional information  
CDB may request additional information from the A/E at any time.

## Section 980.170 Department of Professional Regulation Action

- a) Firms prequalified with CDB shall notify CDB in writing within 10 working days when the Department of Professional Regulation initiates proceedings to refuse to renew, suspend or revoke the registration or license of any individual or firm, or to impose any other disciplinary sanction.
- b) Upon notification, prequalification will be reviewed and appropriate action taken. If it is found that notice was not provided as required, CDB may take action under Subpart B.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

**Section 980.180 Prequalification of Firms and Office Locations**

- a) Only legal entities permitted by law to practice architecture or engineering shall be prequalified, including any office location at which the firm provides architectural or engineering services.
- b) The A/E shall list all office locations that the prequalification shall include and indicate any assumed name for each office location if different from the parent office. These office locations may be business subsidiaries, divisions, branches, etc. that provide professional services under the responsibility of the managing agent for the A/E.
- c) Prequalification shall not be extended to another business location or entity of the A/E solely because of an ownership relationship.

**Section 980.190 Types of Profile Codes**

- a) The A/E shall indicate specific types of profile codes within their type of practice(s) in which the A/E has specific areas of knowledge, expertise, or experience on the application form. The applicant may indicate only those profile codes consistent with their licensed areas of practice.
- b) This information may be used by CDB in the selection of firms for projects exempt from the QBS Act. It does not relieve the firm from providing the same or additional information in the statement of qualifications submitted for a specific project. CDB may request additional information during the prequalification process to verify that the firm possesses the required knowledge, expertise or experience to be considered for work in any profile code. CDB may deny prequalification in a particular profile code during the prequalification process if the firm fails to demonstrate its knowledge, expertise or experience to CDB's satisfaction.
- c) Demonstration of knowledge, expertise, or experience in a profile code may be required to be supported by licenses or certification issued by governmental agencies such as the Department of Public Health, Illinois Historic Preservation Agency, etc.
- d) CDB's decisions regarding the types of profile codes granted to an A/E shall not be subject to hearing procedures (Section 980.530). However, upon request of a firm, a conference to discuss the issue shall be held.

**Section 980.200 Processing of Architect-Engineer Prequalification Application**

- a) A/E's must complete a prequalification application.
- b) Processing of applications by CDB may require up to 45 days after receipt of all requested information and a completed application.
- c) Applications for renewal will ordinarily be sent to the A/E's 60 days before the expiration of current prequalification. A/E's who do not receive an application are responsible for contacting CDB prior to

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

**Section 980.210 Ineligibility**

- d) Applications may be sent to CDB by facsimile, provided that the original application is received by CDB within five business days.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
  - 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided;
  - 2) Contacting work references or any other possible sources of pertinent information;
  - 3) Requesting additional information from the applicant;
  - 4) Reviewing CDB A/E performance evaluations; and
  - 5) Meeting with the applicant at the request of CDB or the applicant.

**Section 980.210 Ineligibility**

An A/E, whether or not previously determined to be responsible by CDB, may be ineligible to submit proposals on CDB projects under the following circumstances:

- a) The A/E fails to meet statutory or regulatory requirements other than those set out in this Part.
- b) The A/E has inadequate relevant experience or resources to undertake CDB projects. In determining whether an A/E has adequate relevant experience, CDB will consider the size, type, number, and recency of past, private and public contracts of the firm, its predecessors, or key persons with the firm. However, size alone shall not be cause for denying prequalification.

**SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF PREQUALIFICATION, AND CONDITIONAL PREQUALIFICATION****Section 980.300 Actions Affecting Responsibility and Prequalification**

At any time, CDB may consider whether an action is warranted concerning an A/E's prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification  
CDB may summarily suspend or modify an A/E's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].
- b) Debarment  
CDB may debar an A/E to exclude it from making submittals for CDB contracts as authorized by statute. The period of debarment shall be as authorized by law [20 ILCS 3105/16].
- c) Modification of Prequalification  
CDB may modify or limit an A/E's prequalification as appropriate, including, but not limited to, one or more of the following:
  - 1) Limiting the size or type of contracts for which an A/E may

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- submit proposals for a specified period of time or until a current contract is substantially complete.
- 2) Limiting the number of CDB contracts an A/E may enter into for a specified period of time, or until a current contract is substantially complete.
  - 3) Limiting the aggregate dollar amount of contracts the A/E may enter into with CDB.
  - 4) Imposing limits as set forth above pending performance on the A/E's next CDB contract(s) in instances where the A/E has no current CDB contracts.
  - d) Conditional prequalification (which may be otherwise limited) on the A/E's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.
  - e) Suspension
 

CDB may suspend an A/E or disqualify an A/E temporarily from contracting with CDB, for a period of time up to one year. The A/E's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the A/E to CDB's action.

#### Section 980.310 Causes for Suspension, Modification of Prequalification, and Conditional Prequalification

CDB may determine an A/E is not responsible and suspend or otherwise modify a prequalification or issue a conditional prequalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contract(s).
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s). Breach of a CDB contract includes but is not limited to:
  - 1) Failure to submit required documents and drawings, including record drawings, according to the project schedule, causing a delay in the commencement, completion or close out of a project.
  - 2) Failure to adhere to quality standards of the applicable profession or required codes and standards for a particular type of construction so that the public health and safety are jeopardized by unsafe buildings.
  - 3) Failure to perform supervisory and observer functions as specified in the contract.
  - 4) Failure to notify CDB of problems with any projects, which failure results in time delays or an increase in cost of the project.
- c) Making false or misleading statements or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the prequalification application.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- d) Violation of civil or criminal Federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability which may be evidenced by bankruptcy, failure to timely pay consultants, difficulty in obtaining acceptable insurance, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
- f) Failure to understand, accept or utilize CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of an A/E.
- h) Suspension, debarment, or limits on contracts by any other governmental body.
- i) Failure to be properly licensed or registered with the Department of Professional Regulation (DPR), being the subject of disciplinary sanctions by DPR, or the subject of initiation of proceedings by DPR to refuse to renew, suspend or revoke the registration or license of the A/E, or to impose any other disciplinary sanction.
- j) Any other cause of so serious or compelling a nature that it affects the present responsibility of an A/E.

#### Section 980.320 Nullification of Prequalification

When CDB determines that an A/E has knowingly made a material misrepresentation in its application for prequalification, the A/E may not reapply to CDB for a period of three years.

- a) When the A/E has not previously applied to CDB, or it failed to reapply, the three year period shall begin on the date of the submittal of the application.
- b) When the A/E is currently prequalified, the three year period shall begin on the date prequalification was granted.
- c) CDB will notify the A/E of the nullity. The A/E may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- d) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- e) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

SUBPART C: APPLICATION OF CDB ACTION

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

**Section 980.400 General**

Suspension, debarment, nullification of prequalification, modification of prequalification, or issuance of conditional prequalification by CDB is applicable to an A/E's direct contracts with CDB and any consultant subcontracts on other contracts on CDB projects, unless CDB determines otherwise in writing.

**Section 980.410 Violation of CDB Order**

If an A/E is subject to a CDB order suspending or debarment the A/E, or nullifying or modifying prequalification, or making prequalification conditional, and the A/E violates the order in any manner including working as a subcontracted consultant on a CDB project, CDB may extend the term of suspension, debarment, nullification, modification or conditional prequalification, or otherwise limit or condition the ability to make submittals on contracts with CDB.

**Section 980.420 Denial of Award of Contract**

Notwithstanding any other provisions in this Part, if CDB finds an A/E non-responsible, CDB may deny the A/E the award of a contract.

**Section 980.430 Debarment**

Following a period of debarment, when an A/E submits a prequalification application to CDB, the application shall be deemed to be a first-time application rather than one for renewal.

**Section 980.440 Reapplication for Prequalification**

When an A/E submits a prequalification application to CDB during or following a period of debarment, suspension, nullification, modification of prequalification, or conditional prequalification, the A/E must affirmatively demonstrate its responsibility, including demonstrating that the reason for imposition of suspension, debarment, nullification, modification, or condition has been remedied.

**Section 980.450 Extension of CDB Action**

The effect of an action imposed under this Subpart by CDB may extend to all office locations of the A/E and to any firm in which the A/E or its key persons have a legal or beneficial interest.

**Section 980.460 Effect on Current Contracts**

Current CDB contracts may be terminated when an A/E is determined to be non-responsible and it is in the public interest to do so, whether or not the

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

non-responsible. has a direct connection with the current contract. Contracts may be terminated with or without further action on the A/E's prequalification.

**Section 980.470 Basis of Decisions**

a) CDB shall make determinations as appropriate concerning the substance of an A/E's business as opposed to its form and base its decisions on the substance. When an A/E attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or by other devices, CDB may take action pursuant to Section 980.300 and Subpart C of this Part.

b) A/E's who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible firm will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

**Section 980.480 Settlement**

Notwithstanding any provision of this Part, the parties to any contested matter concerning an A/E's prequalification may at any time enter into an agreement to resolve responsibility issues by settlement.

## SUBPART D: PROCEDURES

**Section 980.500 Review**

When information that places an A/E's responsibility in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal conference with the A/E and its appropriate staff members with CDB.

**Section 980.510 Notice of CDB Action**

Unless proceedings under Section 16 of the CDB Act (20 ILCS 3105/16) are justified, prior to suspending, conditioning, modifying or nullifying an A/E's prequalification or debarment an A/E, CDB will notify the A/E by certified mail of its intention to take such action and the basis of the action, and will request that the A/E attend an informal conference with CDB personnel. The A/E may bring to the conference any documents, personnel, or other pertinent information that it wishes for CDB to consider. The A/E may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the A/E with all pertinent information in its possession, and shall advise the A/E in writing that it has the right to inspect its prequalification file. Further conferences may be scheduled by agreement of CDB and the A/E. The A/E's failure to appear at the conference

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

shall be construed to indicate the A/E does not wish to contest the matter and rights to further administrative proceedings shall be forfeited.

**Section 980.520 Executive Director**

Following CDB's conference with the A/E, the conference committee shall forward a recommendation to the Executive Director. The A/E will be notified in writing of the Executive Director's decision. Within 15 days after receipt of the Executive Director's decision, the A/E may request the Executive Director's reconsideration in writing, including as attachments any and all supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

**Section 980.530 Hearings**

Within 30 days after the A/E's receipt of the Executive Director's decision, or the decision upon reconsideration if applicable, the A/E may request a hearing in writing. Hearings shall be conducted in accordance with Hearings Procedures, 71 Ill. Adm. Code 100.

**Section 980.540 Burden of Proof**

- a) Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Sections 980.310, 980.320, or 980.410.
- b) Such documentation constitutes a presumptive determination of non-responsibility. The A/E is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the A/E shows, by a preponderance of evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Procurement Practices

2) Code Citation: 44 Ill. Adm. Code 910

3) Section Numbers: Adopted Action:

910.130 Repeal

910.140 Repeal

910.160 Repeal

4) Statutory Authority: Implementing and authorized by Sections 9.06 and 16 of the Capital Development Board Act [20 ILCS 3105/9.06 and 16] and authorized by Sections 5 and 6 of the Illinois Purchasing Act (30 ILCS 505/5 and 61).

5) Effective date of Rule: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office: December 27, 1997

9) Notice of Proposal Published in Illinois Register.

September 19, 1997; 21 Ill. Reg. 12785

10) Has JCAB issued a Statement of Objections to this rule? No

11) Difference(s) between Proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreement letter issued by JCAB? JCAB requested no changes.

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: Sections 910.130 and 910.140 are repealed and replaced in the new adopted rules providing for prequalification and suspension of architects and engineers. Section 910.160 is repealed because it is superfluous and has no legal effect.

16) Requests for information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief  
Capital Development Board

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
217/782-1392

The full text of the adopted rule begins on the next page:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND  
PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

## PART 910

## PROCUREMENT PRACTICES

Section	
910.110	Purchasing Act
910.120	Contracts
910.130	Prequalification (Repealed)
910.140	Suspension (Repealed)
910.150	Use of Department of Central Management Services
910.160	Severability (Repealed)

AUTHORITY: Implementing and authorized by Sections 9.06 and 16 of the Capital Development Board Act [20 ILCS 3105/9.06 and 16] and authorized by Sections 5 and 6 of the Illinois Purchasing Act [30 ILCS 505/5 and 6].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20324, effective October 1, 1984; amended at 9 Ill. Reg. 17332, effective October 29, 1985; amended at 12 Ill. Reg. 9864, effective May 27, 1988; amended at 13 Ill. Reg. 8403, effective May 22, 1989; amended at 22 Ill. Reg. ~~1111~~, effective ~~January 1, 1993~~ January 1, 1993.

## Section 910.130 Prequalification (Repealed)

- a) All contractors, architects, engineers, insurance companies and surety companies who desire to do business with the Board must be prequalified in accordance with the Rules of the Board. Matters relating to prequalification of contractors are found in Part 950 of this title (44 Ill. Adm. Code 950). Matters relating to prequalification of architects and engineers are found in Part 980 of this title (44 Ill. Adm. Code 980). Matters relating to insurance and surety companies are found in Part 1050 of this title (44 Ill. Adm. Code 1050).
- b) If any contractor, architect, engineer, insurance company or surety company knowingly makes a material misrepresentation in its application for prequalification such entity shall not be allowed to seek prequalification for a period of three years from the date of the submittal of the misrepresented application. In the event the Board shall issue a prequalification in error because of a material misrepresentation by the applicant, such prequalification shall be null and void and the Board may cancel any contracts awarded based upon the misrepresented application.



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information or by the concealment, suppression or omission of any information in or from a prequalification application, which causes the Board to act differently than it would have if it had known the undisclosed or true information.
- 2) A prequalification issued in error because of a material misrepresentation shall be null and void as of the date the current prequalification was issued. The Board will notify the party of the nullity of the prequalification. The party may submit an explanation or documentation regarding the misrepresentation for the Board's review.
- 3) In determining whether to cancel contracts awarded upon a misrepresented application the Board will consider factors such as including but not limited to whether the misrepresentation has been corrected, the relationship of the misrepresentation to the contract, and the extent to which information was misrepresented.

(Source: Repealed at 22 Ill. Reg. 1162, effective JAN 01 1998)

## Section 910.140 Suspension (Repealed)

- a) The prequalification of any contractor, architect or engineer may be suspended for not more than one year for violations of the Rules and Regulations of any State agency adopted in pursuance of Section 5 of the Illinois Purchasing Act (Ill. Rev. Stat. 1997, ch. 127, par. 12-5) or for failure to conform to specifications or terms of delivery. Insurance and surety companies may be suspended for not more than one year based upon failure to perform or adhere to the obligations under their policy or bond. Suspensions shall be imposed only when the suspension procedures set forth in 71 Ill. Adm. Code 100 have been complied with.
- b) Prequalification shall be suspended only when a violation of relevant laws or administrative rules as outlined in Section 910.100-41 Ill. Adm. Code 999-500 or 99-510 or 44 Ill. Adm. Code 900-100 has been admitted or proven in a proceeding which conforms to the requirements of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 10-1 et seq.) and the requirements of the Rules of the Capital Development Board.
- c) A prequalified entity which does not admit to charges made against it in a suspension proceeding initiated under 71 Ill. Adm. Code 100 but which does not wish to contest the charges shall be permitted to voluntarily agree to suspension of its prequalification for a time certain, not to exceed one year. The agreement shall be in writing signed by all parties. The signing of such an agreement shall operate as a dismissal of the pending suspension proceeding.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 22 Ill. Reg. 1162, effective JAN 01 1998)

## Section 910.160 Severability (Repealed)

If any section, sentence or clause of this Part is for any reason held invalid or unconstitutional, the validity of the remaining portions of this Part shall not be affected.

(Source: Repealed at 22 Ill. Reg. 1162, effective JAN 01 1998)



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Selection of Architects/Engineers (A/E)2) Code Citation: 44 Ill. Adm. Code 10003) Section Numbers:      Adopted Action:

1000.110      Repeal

1000.120      Repeal

1000.130      Repeal

4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Sections 3105/9.06, 16 and 1A-11 of that Act, Illinois Purchasing Act [30 ILCS 505/6] and the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535/20).5) Effective date of Rules: January 1, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date filed in Agency's Principal Office: December 29, 19979) Notice of Proposal Published in Illinois Register.

September 19, 1997; 21 Ill. Reg. 12790.

10) Has JCAR issued a Statement of Objections to this rule? No11) Difference(s) between Proposal and final version: None12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? JCAR requested no change.13) Will this rule replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Rules: This Part being repealed will be replaced by new adopted rules published in the same issue of the Illinois Register.16) Request for Information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel  
Capital Development Board  
3rd Floor, War. G. Stratton Bldg.  
Springfield, Illinois 62706

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED REPEALER

217/782-1392

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Selection of Architects/Engineers (A/E)

- 2) Code Citation: 44 Ill. Adm. Code 1000

- 3) Section Numbers: Adopted Action:

1000.100	New
1000.110	New
1000.120	New
1000.130	New
1000.140	New
1000.150	New
1000.160	New
1000.170	New
1000.180	New
1000.190	New
1000.200	New
1000.210	New

- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 3105/9.06, 16 and 1A-11 of that Act, Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

- 5) Effective date of Rules: January 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: December 29, 1997

- 9) Notice of Proposal Published in Illinois Register: September 19, 1997; 21 Ill. Reg. 12797

- 10) Has JCAR issued a Statement of Objections to this rule? No

- 11) Differences(s) between Proposal and final version: Changes made were in response to comments made by JCAR. The changes were not substantive and limited to grammatical and stylistic changes.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- 15) Summary and Purpose of Rules: The Architectural, Engineering, and Land Surveying, Qualifications Based Selection Act (QBS Act) states requirements for architect and engineer (A/E) selection, and was effective January 1, 1992. CDB changed its procedures to comply and is proposing this rule to reflect those procedures.

- 16) Requests for information and questions regarding this adopted rule shall be directed to:

Claire Gibson, Deputy Chief Counsel  
Capital Development Board  
3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-1392

The full text of the adopted rule begins on the next page:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT  
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

## PART 1000

## SELECTION OF ARCHITECTS/ENGINEERS (A/E)

## Section

1000.100 Definitions

1000.110 Purpose

1000.120 Selection Procedures

1000.130 Selection Committee

1000.140 Evaluation Procedures

1000.150 Preliminary Evaluations

1000.160 Interviews

1000.170 Delegation of Evaluations

1000.180 Public Notice

1000.190 Submittal Requirements

1000.200 Small Projects

1000.210 Emergency Projects

**AUTHORITY:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06, 16 and 1A-11 of that Act, Section 6 of the Illinois Purchasing Act [30 ILCS 505/6] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

**SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed, new Part adopted at 22 Ill. Reg. 1114, effective Jan 01 1990.

## Section 1000.100 Definitions

"A/E" means an architectural or engineering firm that is in the business of offering the practice of furnishing architectural or engineering services for building projects, that is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois, or that is properly authorized under the Professional Service Corporation Act and by the Department of Professional Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes of this Part, this includes licensed individuals transacting business as sole proprietorships, which are not required to be

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

registered with the Department of Professional Regulation.

"Board" means the seven member Board of the Capital Development Board.

"CDB" means Capital Development Board, the agency.

"Statement of Qualifications" means the information supplied by the A/E's that cites their specific experience and expertise that may qualify the A/E to provide the services requested.

"User agency" means the agency or unit of government for which the architectural/engineering firm is being selected.

## Section 1000.110 Purpose

CDB shall procure architectural, engineering, and land surveying services in compliance with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535].

## Section 1000.120 Selection Procedures

CDB shall select three A/E's qualified to provide the professional services for a specific project. These A/E's shall be ranked in order of qualifications. Board approval of these A/E's shall be final and binding.

In the event that fewer than three A/E's submit statements of qualifications for a specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

## Section 1000.130 Selection Committee

The selection committee chairman shall appoint a committee to recommend to the Executive Director and the Board a list of A/E's qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from the user agency may be requested to be a member of the committee.

## Section 1000.140 Evaluation Procedures

a) In making its recommendations, the selection committee may consider, among others:

- 1) The A/E's qualifications.
- 2) The ability of professional personnel submitted by the A/E.
- 3) The A/E's past record and experience.
- 4) The prior performance of the A/E on CDB professional services agreements.
- 5) The willingness of the firm to meet time requirements.

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

- 6) The location of the project relative to the firm's place of business.
- 7) The results of preliminary evaluations performed by CDB staff.
- 8) The current work load of the A/Es and their prior selections by CDB.

- 9) References.

- 10) Interviews conducted with the A/Es.
- b) In no case shall the committee, prior to selecting an A/E for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

**Section 1000.150 Preliminary Evaluations**

CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the A/Es for the committee's consideration. This prescreening shall consider, among others, the relevant project experience of the prospective A/Es and the expertise and experience of the firm and its consultants' staff to be assigned to the project if the firm is selected.

**Section 1000.160 Interviews**

CDB requires the selection committee to conduct interviews when the estimated value of the contract exceeds \$125,000. The selection committee may choose to conduct interviews for smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed.

**Section 1000.170 Delegation of Evaluations**

CDB may delegate the evaluation of prospective A/Es to the user agency (school district, college, university, Illinois Community College Board or unit of local government). The user agency shall be required to comply with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] or the Local Government Professional Services Selection Act [50 ILCS 510], as may be applicable. CDB or the user may request that a member of their staff be a voting or nonvoting member of the user agency's evaluation committee. The user agency shall transmit its recommendations to CDB for review and approval of the Board. CDB may request the user agency make other recommendations if the firm(s) recommended are not acceptable to CDB.

**Section 1000.180 Public Notice**

- a) When the services of an A/E are required and the estimated value of the contract exceeds \$25,000, CDB shall publish the list of projects requiring A/E services. In addition, CDB may publish a list of projects whose contract values do not exceed \$25,000.
- b) This public notice shall include an abstract of the services required

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF ADOPTED RULES

for each project and the required expertise of the A/E to be considered. This public notice shall also include the statement of qualifications form to be completed for each project as well as the date and time by which submittal of the statement of qualifications will be accepted.

**Section 1000.190 Submittal Requirements**

- a) All A/Es submitting statements of qualifications for a specific project shall be prequalified with CDB prior to the date and time that the submittals are due. Failure to be prequalified will result in rejection of the submittal(s).
- b) If the A/E will be subcontracting part of the services to consultants, those consultants that will be performing architectural, engineering or land surveying professional services shall also be prequalified with CDB prior to the date and time that the submittals are due. Failure of the professional consultants to be prequalified shall result in rejection of the A/E's submittals.
- c) The A/E shall clearly indicate the anticipated percentage of the services that will be performed by each listed consultant. Failure to list these percentages may result in rejection of the submittal.
- d) The submittal shall include the names of persons who will perform the services, including their project assignment or duties, as well as a resume of their experience and expertise that qualifies them to perform the assignment. This includes the listed consultant's designated staff.

**Section 1000.200 Small Projects**

For contracts whose estimated value is less than \$25,000 and not covered by the Architectural, Engineering and Land Surveying Qualification Based Selection Act [30 ILCS 535], CDB may select any prequalified A/E.

**Section 1000.210 Emergency Projects**

CDB may immediately select an A/E when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 50 of the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535/50].

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Job Training and Economic Development Demonstration Grant Program
- 2) Code Citation: 56 Ill. Adm. Code 2660
- 3) Section Numbers: Adopted Action:  
 2660.10 2660.140 2660.220 New Sections  
 2660.20 2660.150 2660.230 New Sections  
 2660.30 2660.160 2660.240 New Sections  
 2660.40 2660.170 2660.250 New Sections  
 2660.110 2660.180 2660.260 New Sections  
 2660.120 2660.210 2660.270 New Sections  
 2660.130 New Section
- 4) Statutory Authority: Implementing Section 46.19j of the Civil Administrative Code of Illinois (20 ILCS 605/46.19j) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (20 ILCS 605/46.20).
- 5) Effective Date of Amendments: December 30, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) Date filed in Agency's Principal Office: August 17, 1997.
- 9) Notice(s) of Proposal Published in Illinois Register: September 5, 1997; 21 Ill. Reg. 12063
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Technical changes, indicated by the Joint Committee on Administrative Rules (JCAR), were made in the final version of the rulemaking.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?  
 Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: To establish competitive procedures for the award of grants for the planning and delivery of job training programs designed and implemented in partnership with local employers.

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

This rulemaking specifies: program purpose; definitions; eligible applicants; application procedures; allowable activities and costs; reporting requirements; and grant selection criteria.

- 16) Requests for information and questions regarding these adopted amendments shall be directed to:

Name: James A. O'Brien  
 Address: Department of Commerce and Community Affairs  
 Job Training Division  
 620 East Adams Street, S-4  
 Springfield, Illinois 62701  
 Telephone: 217/785-6225  
 Fax: 217/785-6454  
 TDD: 217/785-6055

The full text of these Adopted Amendments begins on the next page:

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

TITLE 56: Labor and Employment  
CHAPTER III: Department of Commerce and Community Affairs

## PART 2660

## Job Training and Economic Development Demonstration Grant Program

## SUBPART A: General Requirements

Section  
2660.10 Purpose  
2660.20 Definitions  
2660.30 Eligible Grant Applicants  
2660.40 Administration Requirements

## SUBPART B: Industry Linked Training for Low Wage Workers

Section  
2660.110 Program Goal  
2660.120 Application Procedures  
2660.130 Allowable Activities  
2660.140 Allowable Costs  
2660.150 Employer Role  
2660.160 Participant Eligibility  
2660.170 Employer Eligibility  
2660.180 Grant Selection Criteria

## SUBPART C: Industry Linked Training for Unemployed Disadvantaged Persons

Section  
2660.210 Program Goal  
2660.220 Application Procedures  
2660.230 Allowable Activities  
2660.240 Allowable Costs  
2660.250 Employer Role  
2660.260 Participant Eligibility  
2660.270 Grant Selection Criteria

AUTHORITY: Implementing Section 46.19j of the Civil Administrative Code of Illinois [20 ILCS 605/46.19j] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

SOURCE: Adopted by emergency at 21 Ill. Reg. 12256, effective August 25, 1997, for a maximum of 150 days; adopted at 22 Ill. Reg. 1184.001 effective 11/18/97.

## SUBPART A: GENERAL REQUIREMENTS

## Section 2660.10 Purpose

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

Establish and expand partnerships between community-based providers and local employers to develop training programs for unemployed disadvantaged persons and train existing low skill, low wage employees and newly hired disadvantaged persons to meet the skill needs of local industry.

## Section 2660.20 Definitions

Community-based provider - A not-for-profit organization, with a local board of directors, that directly provides job training services. The not-for-profit organization must have a history of serving disadvantaged persons, including welfare recipients.

Department - The Department of Commerce and Community Affairs (DCCA).

Director - The Director of the Department of Commerce and Community Affairs.

Disadvantaged Person - An individual who:

receives, or is a member of a family which receives, cash welfare payments under a federal, State, or local welfare program;

has, or is a member of a family which has, received a total family income for the six month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not the excess of the higher of:

the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981 (422 U.S.C. 9902(2)); or

70% of the lower living standard income level;

is receiving (or has been determined, within the last six month period prior to the application for the program involved, to receive) food stamps pursuant to the Food Stamp Act of 1977;

qualifies as a homeless persons under subsections (a) and (c) of section 103 of the Steward B. McKinney Homeless Assistance Act;

is a foster child on behalf of whom State or local government payments are made; or

in cases permitted by the Secretary of the U.S. Department of Labor, is an individual with a disability whose own income meets the requirements of one of the first two subparagraphs of this



## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

definition, but who is a member of a family whose income does not meet such requirements.

Economic Development Organization - Includes local planning or community development organizations and other local organizations and institutions responsible for promoting or assisting in local economic development.

Grantee - Any applicant for a grant under this program whose proposal is funded by the Department.

JTPA - The federal Job Training Partnership Act.

Low Wage - An hourly wage rate (or equivalent) that is equal to, or less than, 150% of the federal minimum wage (excluding fringe benefits).

Secretary - Secretary of the U.S. Department of Labor.

Training Partners - A Community-based provider and one or more employers who have established training and placement linkages.

## Section 2660.30 Eligible Grant Applicants

An eligible applicant for a grant under the Job Training and Economic Development Demonstration Grant Program shall be a community-based provider.

## Section 2660.40 Administrative Requirements

a) Audits - The Department reserves the right to conduct specific audits at any time during normal working hours of funds expended under Department grants.

b) Monitoring - The Department will ensure that periodic on-site grant monitoring visits are conducted by the Department during the course of the grant period. The Department shall verify that the Grantee's financial management system is structured to provide accurate, current, and complete disclosure of grant expenditures and that all expenditures are in accordance with all provisions, terms, and conditions contained in the grant agreement with the Department. The Department shall also verify that participant files are maintained and contain documentation sufficient to demonstrate that individuals receiving training were, at the time the training was provided, low wage workers, recently hired disadvantaged persons, or unemployed disadvantaged persons.

c) Reporting - The Grantee shall submit the following reports to the Department:

- 1) within 45 days after the end of each quarter, a written description of achievements as compared to the planned scope

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

the work:

- 2) within 45 days after each quarter, a summary of grant expenditures as compared to quarterly planned expenditures; and
- 3) within 60 days after the end of the grant period, a final written evaluative report summarizing grant achievements, accompanied by all deliverable products as specified in the grant agreement.

The Department reserves the right to withhold any future year funding for non-compliance with these provisions.

d) Grant Disbursements - Disbursement of grant funds from the Department will be made in accordance with a schedule negotiated with the Grantee and included in the grant agreement. Such agreements shall provide for disbursement of all grant funds prior to the end of the fiscal year of appropriation, subject to a determination by the Department that satisfactory progress is being made by the Grantee to implement grant activities.

e) Grant Close-out - The Grantee shall be responsible for completing the grant close-out package which shall be provided by the Department and identifies the financial status of these grant funds. The Grantee, upon submission of the close-out package, or within 45 days after the expiration of the grant, whichever is first, shall refund to the Department any balance of funds which were unexpended or unobligated at the end of the grant period. In addition, the Grantee shall repay the Department for any funds determined by the Department to have been spent in violation of the grant agreement. If the grant should terminate for any reason, the close-out package shall be due within 45 days after the date of termination.

f) Record Retention - Grantees shall retain all records for a period of five years from the expiration date of the grant, or three years after the final resolution of a grant related audit, whichever is later.

## SUBPART B: INDUSTRY LINKED TRAINING FOR LOW WAGE WORKERS

## Section 2660.110 Program Goal

Establish or expand partnerships between community-based providers and employers to train existing low skill, low wage employees and newly hired disadvantaged persons to meet the skill needs of local industry and increase the earnings of the workers.

## Section 2660.120 Application Procedures

Contingent upon the availability of funds, the Department shall annually issue a Request for Proposal (RFP) to interested community-based providers. The Department shall advertise the availability of the RFP and maintain a bidders list of community-based providers for this purpose. The Department shall review all applications submitted in accordance with RFP instructions and make all grant awards on a competitive basis. The RFP shall include but is not limited to:

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

- a) a description of the purpose of the grant program.
- b) a discussion of activities and costs eligible for reimbursement.
- c) a format for preparation of grant applications including:
  - 1) a description of the community-based provider;
  - 2) a description of the partnership agreement with local businesses;
  - 3) a narrative description of the proposed training program (including the targeted industries and occupations, the curriculum, and the role of local employers in the delivery of training);
  - 4) the specific activities and costs proposed for grant reimbursement;
  - 5) projected outcomes from grant activities including a description of deliverable products, the number of low wage and recently hired disadvantaged persons to be trained and the likely effect training will have on their future earnings;
  - 6) a description of the qualifications of key personnel to be assigned to the project;
  - 7) a requested budget; and
  - 8) a supporting budget justification.
- d) a schedule for the submittal, review, and selection of grant applicants for funding.

**Section 2660.130 Allowable Activities**

Grantees may undertake all reasonable and necessary activities required to:

- a) develop training curricula specific to the skill needs of specific employers appropriate for low skilled, low wage employees and recently hired disadvantaged persons;
- b) provide industry linked skill training to low wage employees and recently hired disadvantaged persons; and
- c) work cooperatively with local employers to evaluate and refine training programs for recently hired disadvantaged persons and/or existing low wage workers that will assist the targeted industries meet skill shortages.

**Section 2660.140 Allowable Costs**

Allowable grant costs include:

- a) expenses to design training curricula and related materials;
- b) expenses to provide industry linked skill training to low wage employees and recently hired disadvantaged persons (e.g., instructor costs and curriculum materials);
- c) expenses for the ongoing evaluation and refinement of the curricula and related materials;
- d) expenses for ongoing coordination of the Training Partners; and
- e) expenses incurred to meet grant administration requirements.

**Section 2660.150 Employer Role**

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

The work plan must provide for:

- a) involvement of local employers in identifying the specific skill needs;
- b) involvement of local employers in planning the curricula;
- c) use of instructional materials directly used by the employer in the targeted industry;
- d) the employer to directly assist in the training activities (e.g., participate as instructors or use employer equipment and technology); and
- e) retention and promotion of workers, including recently hired disadvantaged persons, after receipt of training through the program.

**Section 2660.160 Participant Eligibility**

Eligible participants for training under this program include:

- a) existing low wage employees in the targeted industry; and
- b) disadvantaged persons recently hired into jobs in the target industry.

**Section 2660.170 Employer Eligibility**

Employers with less than 250 full-time workers may participate in the Industry Linked Training for Low Wage Workers program.

**Section 2660.180 Grant Selection Criteria**

The Department shall consider the following criteria in making funding decisions:

- a) the experience of the community-based provider serving low wage, low skilled workers and disadvantaged persons, including welfare recipients;
- b) the level of participation of local employers in the Training Partnership and proposed work plan;
- c) the amount of matching funds (either cash or in-kind) provided by the local employer;
- d) the likelihood that training will result in increased earnings for program participants;
- e) the qualifications of personnel assigned to the proposed project;
- f) the quality of the proposed curricula and related materials; and
- g) reasonableness of the proposed costs in relation to the number of low wage workers and disadvantaged persons to be trained.

**SUBPART C: INDUSTRY LINKED TRAINING FOR UNEMPLOYED DISADVANTAGED PERSONS****Section 2660.210 Program Goal**

Establish or expand partnerships between community-based providers, economic development organizations, and local employers to develop training programs for unemployed disadvantaged persons to meet the skill needs of local industry.

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

## Section 2660.220 Application Procedures

Contingent upon the availability of funds, the Department shall annually issue a Request for Proposal (RFP) to interested community-based providers. The Department shall advertise the availability of the RFP and maintain a bidders list of community-based providers for this purpose. The Department shall review all applications submitted in accordance with RFP instructions and make all grant awards on a competitive basis. The RFP shall include but is not limited to:

- a) a description of the grant program.
- b) a discussion of activities and costs eligible for reimbursement.
- c) a format for preparation of grant applications including:
  - 1) a description of the community-based provider;
  - 2) a description of the partnership agreement with local businesses and economic development organizations;
  - 3) a narrative description of the proposed industry linked program to be developed including identification of targeted industries and occupations;
  - 4) a description of the local employer(s) role in assessing skill needs, curriculum development, the provision of training and placement of program completers;
  - 5) the specific activities and costs proposed for grant reimbursement;
  - 6) projected outcomes from grant activities including a description of deliverable products, the number of participants to be placed in employment, and the average wage at placement;
  - 7) a description of the qualifications of personnel to be assigned to the project;
  - 8) a requested budget; and
  - 9) supporting budget justification.
- d) a schedule for the submittal, review, and selection of grant applicants for funding.

## Section 2660.230 Allowable Activities

Grantees may undertake all reasonable and necessary activities required to:

- a) assess the employment barriers of local residents who are unemployed disadvantaged persons;
- b) work cooperatively with local economic development organizations to identify the unmet skill needs of one or more local industries;
- c) work cooperatively with local employers from those industries to design and deliver training programs for disadvantaged persons that will assist the targeted industries in meeting skill shortages; and
- d) placement of program completers into jobs in the targeted industries.

## Section 2660.240 Allowable Costs

Allowable grant costs include:

## ILLINOIS DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED RULES

- a) expenses for the design and implementation of a needs assessment to determine specific skill shortages being experienced by one or more local industries;
- b) expenses for the design and implementation of a needs assessment to determine the education and training needs of disadvantaged persons relative to the skill needs of local industries;
- c) expenses for the design of curricula and related materials for training programs designed for disadvantaged persons to prepare them to meet identified skill labor shortages;
- d) expenses for the delivery of the industry linked training to unemployed persons and placement of program completers into jobs in the targeted industries;
- e) expenses for ongoing coordination of the Training Partners; and
- f) expenses incurred to meet grant administration requirements.

## Section 2660.250 Employer Role

The curriculum and training plan must provide for:

- a) involvement of local employers in identifying the specific skill needs;
- b) involvement of local employers in planning the curricula;
- c) use of instructional materials directly used by the employer in the targeted industry;
- d) the employer to directly assist in the training activities (e.g., participate as instructors or use employer equipment and technology); and
- e) placement of trainees who successfully complete training into jobs in the targeted industries.

## Section 2660.260 Participant Eligibility

Eligible participants for training under this program include unemployed disadvantaged persons.

## Section 2660.270 Grant Selection Criteria

The Department shall consider the following criteria in making funding decisions:

- a) experience of the community-based provider serving disadvantaged persons, including welfare recipient;
- b) level of participation of local employers in the Training Partnership and proposed work plan;
- c) likelihood of placement of disadvantaged persons in the specific target occupations within the targeted industries and the average wage at placement;
- d) qualifications of personnel assigned to the proposed project;
- e) technical quality of the proposed work plan; and
- f) reasonableness of the proposed costs.

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Pay-Per-Call Services

2) Code Citation: 83 Ill. Adm. Code 772

3) Section Numbers:

772.20 Adopted Action:  
Amendment  
772.45 Amendment  
772.50 Amendment  
772.55 Amendment  
772.90 Amendment  
772.130 Amendment  
772.135 Amendment

4) Statutory Authority: Implementing Section 8-301 authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301 and 10-101).

5) Effective Date of Amendments: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) Date filed in Agency's Principal Office: December 17, 1997

9) Notice of Proposal Published in Illinois Register: July 11, 1997, 21 Ill. Reg. 8738

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?  
No

14) Are there any amendments pending on this part? No

15) Summary and purpose of Amendments: The amendments establish the #NXX abbreviated dialing code format for pay-per-call services. Under the rules, local exchange carriers will be required to automatically block abbreviated dialing pay-per-call codes for those customers that currently have blocking of pay-per-call numbers.

16) Requests for information and questions regarding these adopted amendments shall be directed to:

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

Conrad Rubinkowski  
Office of General Counsel  
Illinois Commerce Commission  
527 East Capitol Avenue  
P.O. Box 19280  
Springfield, IL 62794-9280  
Phone: (217)785-3922

The full text of the Adopted Amendments begins on the next page:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER f: TELEPHONE UTILITIES

## PART 772

## PAY-PER-CALL SERVICES

Section	
772.10	Applicability
772.20	Definitions
772.30	Preamble
772.35	Presubscription Arrangements by Credit Card or Charge Card
772.40	Identification of Information Providers
772.45	Limitations on the Provision of Pay-Per-Call Services
772.50	Number Designation and Restrictions on the Use of 800 Numbers
772.55	Billing
772.60	Partial Payments
772.70	Deposits
772.80	Disconnection
772.90	Blocking
772.100	Involuntary Blocking
772.110	Notices
772.120	Restrictions on Collect Telephone Calls
772.130	Generation of Signalling Tones
772.135	Verification of Charitable Status
772.140	Dispute Procedures
772.150	Recovery of Cost

AUTHORITY: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301 and 10-101).

SOURCE: Adopted at 18 Ill. Reg. 15723, effective November 1, 1994; amended at 22 Ill. Reg. 11 2, effective JAN 01 1998.

## Section 772.20 Definitions

"Abbreviated dialing code" means an alternative dialing arrangement consisting of HNXY, where the H represents the # symbol, X on the telephone key pad, N represents any digit 2 through 9, and Y represents any digit 0 through 9.

"Basic telecommunications service" means both local exchange and interexchange service.

"Blocking" means the inability to access intrastate pay-per-call services.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

"Information provider" means the sponsor that supplies the information, product, or entertainment source.

"Pay-per-call service" means any service:

In which any person provides or purports to provide:

Audio information or audio entertainment produced or packaged by such person;

Access to simultaneous voice conversation services; or

Any service, including the provision of a product, the charges for which are assessed on the basis of the completion of the call;

For which the caller pays a per-call or per-time-interval charge that is greater than, or in addition to, the charge for transmission of the call; and

Which is accessed through the use of an abbreviated dialing code, a 900 service access code or a 976 exchange code.

Such term does not include directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate.

"Presubscription or comparable arrangement" means a contractual agreement in which the information provider discloses to the subscriber all terms and conditions associated with the use of the service, including the information provider's name and address, a local or toll-free telephone number which the consumer may use to obtain additional information or to register a complaint, and the rates for the service; the information provider agrees to notify the subscriber of any future rate changes; the subscriber agrees to utilize the service on the terms and conditions disclosed by the information provider; and the information provider requires the use of an identification number or other means to prevent unauthorized access to the service by nonsubscribers.

"Subscriber" means a customer as defined in 83 Ill. Adm. Code 735.10.

(Source: JAN 01 1998 22 Ill. Reg. 11 2, effective JAN 01 1998.)

## Section 772.45 Limitations on the Provision of Pay-Per-Call Services

Any telecommunications carrier assigning a telephone number or abbreviated



ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

dialing code to a provider of intrastate pay-per-call service shall require, by contract or tariff, that such provider comply with the provisions of the Pay-Per-Call Services Consumer Protection Act and this Part. Such contract or tariff shall provide that violation of the contract or tariff shall result in termination of service to the provider of intrastate pay-per-call services.

(Source: Amended at 22 Ill. Reg. 1106, effective JAN 11 1998)

Section 772.50 Number Designation and Restrictions on the Use of 800 Numbers

- a) Any intrastate pay-per-call service shall be offered only through telephone numbers beginning with a 900 service access code, or 976 exchange code, or abbreviated dialing code.
- b) Telecommunications carriers shall prohibit, by contract or tariff, the use of any telephone number beginning with an 800 service access code, or any other telephone number advertised or widely understood to be toll free, in a manner that would result in:
  - 1) The calling party or the subscriber to the originating line being assessed, by virtue of completing the call, a charge for the call;
  - 2) The calling party being connected to a pay-per-call service;
  - 3) The calling party being charged for information conveyed during the call unless the calling party has a presubscription or comparable arrangement; or
  - 4) The calling party being called back collect for the provision of audio or data information service, simultaneous voice conversation service, or products.

(Source: Amended at 22 Ill. Reg. 1102, effective JAN 11 1998)

Section 772.55 Billing

- a) The bill for pay-per-call service shall:
  - 1) Appear under a separate heading that identifies the applicable pay-per-call telephone service charges. Telecommunications carriers shall comply with the requirements of this subsection by May 1, 1995;
  - 2) Identify on the bill the type of service and the number or the abbreviated dialing code that was called, the amount of the charge, the date, time, and for calls billed on a time-sensitive basis, the duration of the call;
  - 3) Display the local or toll-free telephone number where subscribers can obtain answers to their questions and information on their rights and obligations with regard to their use of pay-per-call service, and can obtain the name and mailing address of the provider of pay-per-call services; and

ILLINOIS COMMERCE COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

- 4) Include a statement indicating that:
  - A) Such charges are for non-telecommunications services;
  - B) Neither local nor long distance service can be disconnected for non-payment although an information provider may employ private entities to seek to collect such charges;
  - C) Blocking 999--read--996--number--blocking is available upon request for services accessed through 900 access code, 976 exchange code, or abbreviated dialing code; and
  - D) Access to pay-per-call services may be involuntarily blocked for failure to pay legitimate charges.
- b) The local exchange carrier or intrastate telecommunications carrier of any pay-per-call telephone or information services which bills for pay-per-call services shall agree to issue to subscriber a one-time waiver of disputed charges for each case of dialing arrangement permitted by Section 772.50(a). Subscribers are required to dispute pay-per-call charges within 60 days after the issue date of such charges to qualify for the one-time waiver. Credits resulting from disputed pay-per-call charges that are determined by the local exchange carrier after investigation to have been billed to the wrong telephone number or billed at the incorrect rate shall be considered in error and shall not be considered a waiver.
- c) Any telecommunications carrier offering billing and collection services to an entity providing intrastate information service pursuant to a presubscription or comparable arrangement, or for intrastate tariff collect information services, shall, to the extent possible, display the billing information in the manner described in subsection (a)(2) above.
- d) Any telecommunications carrier assigning a telephone number or abbreviated dialing code to a provider of intrastate pay-per-call services and offering billing and collection services to such provider shall not bill a subscriber for intrastate pay-per-call services that such carrier knows or reasonably should know were provided in violation of the Pay-Per-Call Services Consumer Protection Act or this Part.

(Source: Amended at 22 Ill. Reg. 1102, effective JAN 11 1998)

Section 772.90 Blocking

- a) A local exchange carrier shall provide blocking, where technically feasible, at no charge for each time of dialing arrangement permitted by Section 772.50(a) on a one-time basis to all telephone subscribers.
- b) The local exchange carrier may charge a non-recurring fee for each subsequent request for blocking or unblocking pay-per-call service. These charges shall be filed with the Illinois Commerce Commission pursuant to Section 9-201 of the Public Utilities Act [220 ILCS 5/9-201].



## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- c) A subscriber who transfers service to a new location and is served by the same local exchange carrier shall be able to maintain blocking of pay-per-call service without any additional charge to establish blocking at the new location.
- d) Requests by subscribers to remove pay-per-call blocking must be in writing to the local exchange carrier.

(Source: Amended JAN 11 1997, effective 1-1-97)

## Section 772.130 Generation of Signaling Tones

No telecommunications carrier shall assign a telephone number of abbreviated dialing code for any pay-per-call service which employs broadcast advertising which generates the audible tones necessary to complete a call to a pay-per-call service.

(Source: Amended at 22 Ill. Reg. 1103, effective JAN 11 1997)

## Section 772.135 Verification of Charitable Status

Any telecommunications carrier assigning a telephone number of abbreviated dialing code to a provider of intrastate pay-per-call services that the carrier knows or reasonably should know is engaged in soliciting charitable contributions shall obtain verification that the entity or individual for whom contributions are solicited has registered with the Attorney General of the State of Illinois pursuant to Section 2 of the Solicitation for Charity Act [225 ILCS 460/2].

(Source: Amended at 22 Ill. Reg. 1103, effective JAN 11 1997)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Closed Maximum Security Facility

- 2) Code Citation: 20 Ill. Adm. Code 505

- 3) Section Numbers:  
505.10 New Section  
505.15 New Section  
505.20 New Section  
505.30 New Section  
505.40 New Section  
505.50 New Section  
505.60 New Section  
505.70 New Section  
505.80 New Section  
505.90 New Section  
505.100 New Section  
505.110 New Section

- 4) Statutory Authority: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

- 5) Effective Date of Rule(s) (Amendments, Repealer): January 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule (amendment, repealer) contain incorporation by reference? No

- 8) Date Filed in Agency's Principal Office: December 19, 1997

- 9) Notice(s) of Proposal Published in Illinois Register: September 12, 1997  
21 Ill. Reg. 12274

- 10) Has JCRC issued a Statement of Objections to this (these) rule(s)? No

- 11) Difference(s) between proposal and final version: The rule has been further clarified and medical concerns has been included as a factor in considering placement in a closed maximum security facility.

- 12) Have all the changes argued upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes

- 13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s) (Amendments, Repealer): These rules are

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

necessary for the operation of the new closed maximum security facility at Tamm, commonly referred to as the super max prison. Facility designation, placement procedures, and hearing and review procedures are included in addition to constraints on such things as rights, privileges, and personal property of committed person at such facilities.

16) Information and questions regarding this adopted rule (amendment, repeal) shall be directed to:

Name: Donald N. Snyder, Jr., Deputy Director  
Department of Corrections  
Address: 1301 Concordia Court  
P. O. Box 19277  
Springfield, Illinois 62794-9277  
Telephone: 217/522-2666, extension 2082

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER 1: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER e: OPERATIONS

## PART 505

## CLOSED MAXIMUM SECURITY FACILITY

## Section

505.10 Applicability  
505.15 Responsibilities  
505.20 Definitions  
505.30 Facility Designation  
505.40 Placement at the Tamm Correctional Center  
505.50 Transfer Review Committee  
505.60 Transfer Review Hearing  
505.70 Review of Administrative Detention Status  
505.80 Rights and Privileges  
505.90 Personal Property  
505.100 Commissary  
505.110 Smoking and Tobacco Products

AUTHORITY: Implementing and authorized by Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2].

SOURCE: Adopted at 22 Ill. Reg. 11.1.1990, effective 1.1.1990.

## Section 505.10 Applicability

This Part applies to the Adult Division of the Department of Corrections.

## Section 505.15 Responsibilities

- a) Unless otherwise specified, the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer shall personally perform the duties. However, the Director, Deputy Director, Assistant Deputy Director, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

## Section 505.20 Definitions

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Closed maximum security facility" means a facility which houses only those committee persons who are classified as maximum security and who present a threat to the safety or security of a correctional facility, the public, or any person and in which movement and privileges are limited.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Working days" means Monday through Friday, excluding State holidays.

#### Section 505.30 Facility Designation

The Tamm Correctional Center is designated a closed maximum security facility. The Tamm Correctional Center shall house only those committed persons who are classified as maximum security and who are in disciplinary segregation or administrative detention, as defined in 20 Ill. Adm. Code 504.

#### Section 505.40 Placement at the Tamm Correctional Center

a) A committed person may be assigned to the Tamm Correctional Center if the committed person is in disciplinary segregation or is in or is being recommended for placement in administrative detention and the transfer is approved by the Deputy Director or the appropriate Assistant Deputy Director of the Adult Division.

b) Among other matters, a committed person who the Department has determined has engaged in the following activities or who may be planning to engage in these activities may be referred for placement in the Tamm Correctional Center:

- 1) Escaping or attempting to escape;
- 2) Assaulting staff, inmates or other persons which caused death or serious bodily injury;
- 3) Engaging in dangerous disturbances;
- 4) Having influence in activities of a gang or other unauthorized organization;
- 5) Engaging in non-consensual sexual conduct; or
- 6) Possessing weapons.

c) The transfer request may be either written or verbal with confirmation in writing. The written request, signed by the Chief Administrative Officer, shall include the recommendation and reasons for the request and shall be submitted to the appropriate Assistant Deputy Director for approval. Approval by the Assistant Deputy Director shall result in the committed person being classified as maximum security and those committed persons who are in general population shall be placed in

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

administrative detention.

d) Placement in the Tamm Correctional Center shall be based upon the following considerations, including but not limited to:

- 1) The safety and security of the facility, the public, or any person;
  - 2) The committed person's disciplinary and behavioral history;
  - 3) Reports and recommendations concerning the committed person;
  - 4) The feasibility of a transfer to another facility;
  - 5) Medical concerns; and
  - 6) Mental health concerns.
- e) Committed persons who are transferred to the Tamm Correctional Center who are not in disciplinary segregation at the time of the transfer and committed persons who complete their term of disciplinary segregation while at the Tamm Correctional Center shall be provided a hearing before the Transfer Review Committee in accordance with Section 505.60 to determine whether they should remain in administrative detention at the Tamm Correctional Center.

#### Section 505.50 Transfer Review Committee

a) The Transfer Review Committee shall be composed of two persons selected by the Chief Administrative Officer of the Tamm Correctional Center.

b) The Committee shall:

- 1) Conduct transfer review hearings in accordance with Section 505.60; and
- 2) Conduct routine reviews of persons in administrative detention at the Tamm Correctional Center in accordance with Section 505.70.

#### Section 505.60 Transfer Review Hearing

a) Whenever possible, a transfer review hearing shall be conducted within ten working days of a committed person's placement in the Tamm Correctional Center or expiration of the committed person's term of disciplinary segregation.

b) The committed person shall be afforded the opportunity to appear at the hearing, to make statements relevant to his or her placement in the Tamm Correctional Center, and to present relevant documents. The committed person may also request that the Committee interview persons with relevant information.

c) In determining whether to continue placement in administrative detention in the Tamm Correctional Center, the Committee may consider, among other matters, the factors set forth in Section 505.40(d).

d) The Committee shall make recommendations to the Chief Administrative Officer of the Tamm Correctional Center. The Chief Administrative Officer shall approve or disapprove the Committee's recommendations and shall submit his or her recommendation to the appropriate

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

Assistant Deputy Director for a final decision. The committed person shall be informed in writing of the final decision.

**Section 505.70 Review of Administrative Detention Status**

- a) The Transfer Review Committee shall review the record of each committed person in administrative detention at the Tamm Correctional Center every 90 days to determine whether continued placement is appropriate.
  - 1) The committed person need not be interviewed during these reviews.
  - 2) The Committee shall make written recommendations to the Chief Administrative Officer.
  - 3) If the Chief Administrative Officer recommends the committed person be transferred, the recommendation shall be forwarded to the appropriate Assistant Deputy Director for final approval.
- b) A hearing shall be held every year in accordance with Section 505.60 to determine whether continued placement in administrative detention in the Tamm Correctional Center is appropriate.
- c) Other reviews set forth under 20 Ill. Adm. Code 504.660 shall not apply to committed persons in administrative detention at the Tamm Correctional Center.

**Section 505.80 Rights and Privileges**

Committed persons assigned to the Tamm Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 525 except as provided herein.

- a) Telephone
  - 1) Use of the telephone shall be prohibited except as required by law or as approved by the Chief Administrative Officer in an emergency.
- b) Visits
  - 1) Except for legal visits, persons wishing to visit a committed person should submit a request sufficiently in advance to the Chief Administrative Officer of the Tamm Correctional Center. Visits must be approved in advance by the Chief Administrative Officer.
  - 2) All visits shall be non-contact.

**Section 505.90 Personal Property**

Committed persons assigned to the Tamm Correctional Center shall have the rights and privileges outlined in 20 Ill. Adm. Code 535 except as provided herein.

- a) Committed persons in administrative detention may possess audio visual property in accordance with institutional status as approved by the Chief Administrative Officer. Committed persons confined in disciplinary segregation shall have no audio visual property for

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED RULES

recreational purposes.

- b) The committed person's property, excluding legal materials and a television, shall be limited to items which may be properly stored in a Department issued personal property storage box.
- c) Legal materials must be properly stored in the Department issued personal property box or in an additional Department issued storage box provided for legal materials.

**Section 505.100 Commissary**

Commissary shall be provided according to institutional status.

**Section 505.110 Smoking and Tobacco Products**

The Tamm Correctional Center shall be a smoke-free and tobacco-free prison. No cigarettes, smoking or smokeless tobacco, matches, lighters, or any other smoking materials shall be permitted into the facility.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Discipline and Grievances2) Code Citation: 20 Ill. Adm. Code 5043) Section Numbers: Adopted Action:

504.15 Amend  
 504.20 Amend  
 504.30 Amend  
 504.40 Amend  
 504.50 Amend  
 504.60 Amend  
 504.70 Amend  
 504.80 Amend  
 504.90 Amend  
 504.100 Amend  
 504.110 Amend  
 504.115 New  
 504.120 Amend  
 504.130 Amend  
 504.140 Amend  
 504.150 Amend  
 504.205 Amend  
 504.210 Amend  
 504.220 Amend  
 504.230 Amend  
 504.240 Amend  
 504.250 Amend  
 504.260 Amend  
 504.270 Amend  
 504.275 Amend  
 504.280 Amend  
 504.290 Amend  
 504.300 Amend  
 504.405 Amend  
 504.410 Amend  
 504.420 Amend  
 504.430 Amend  
 504.440 Amend  
 504.450 Amend  
 504.460 Amend  
 504.470 Amend  
 504.480 Amend  
 504.490 Amend  
 504.500 Amend  
 504.510 Amend  
 504.505 Amend  
 504.610 Amend  
 504.620 Amend

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

504.630 Amend  
 504.650 Repeal  
 504.660 Amend  
 504.670 New  
 504.715 Amend  
 504.720 Amend  
 504.730 Amend  
 504.800 Amend  
 504.805 Amend  
 504.810 Amend  
 504.820 Amend  
 504.830 Amend  
 504.840 Amend  
 504.850 Amend  
 504.860 Amend  
 504.870 Amend  
 504.910 Amend  
 504.920 Amend  
 504.930 Amend  
 Table A Amend  
 Table B Amend  
 Table C Amend

4) Statutory Authority: Implementing Sections 3-2-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-8-7, 3-8-8, 3-10-8, and 3-10-9].5) Effective Date of Rule(s) (Amendments, Repeal): January 1, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this rule (amendment, repeal) contain an incorporation by reference? No8) Date Filed in Agency's Principal Office: December 19, 19979) Notice(s) of Proposal Published in Illinois Register: September 12, 1997, 21 Ill. Reg. 1228110) Has JCAR issued a Statement of Objections to this (these) rule(s)? No11) Difference(s) between proposal and final version: Typographical and grammatical errors have been corrected; style preference changes have been made, and clarifying language has been added. No substantive changes have been made.12) Have all the changes agreed upon by the agency and JCAR been made as

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

indicated in the agreement letter issued by JC&R? Yes

13) Will this rule (amendment, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s) (Amendments, Repealer): These rules have been updated to include organizational and legislative changes (Public Act 89-0688). Specifically, the Department is no longer required to provide a copy of the rules to committed person, but rules are still required to be available to committed persons. In addition, hearing procedures have been updated; offenses have been added, expanded, or clarified; and confinement and segregation procedures have been updated and further clarified.

16) Requests for information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Donald N. Snyder, Jr., Deputy Director

Department of Corrections

1301 Concordia Court

P. O. Box 19277

Springfield, IL 62794-9277

217/522-2666, extension 2082

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER 1: DEPARTMENT OF CORRECTIONS  
SUBCHAPTER e: OPERATIONS

## PART 504

## DISCIPLINE AND GRIEVANCES

## SUBPART A: ADMINISTRATION OF DISCIPLINE -- ADULT

Section	Applicability
504.10	Definitions
504.12	Responsibilities
504.15	Offenses and Maximum Penalties
504.20	Preparation of Disciplinary Reports
504.30	Temporary Confinement
504.40	Review of Disciplinary Reports
504.50	Investigation of Major Disciplinary Reports
504.60	Adjustment Committee and Program Unit Composition
504.70	Adjustment Committee Hearing Procedures
504.80	New or Additional Proceedings
504.90	Program Unit Hearing Procedures
504.100	Computation of Discipline for Multiple Offenses
504.110	Indeterminate Segregation Placement
504.115	Reduction in Segregation Placement
504.120	Demotion and Restoration in Grade
504.130	Restitution Procedures
504.140	Restoration of Good Time
504.150	

## SUBPART B: ADMINISTRATION OF DISCIPLINE -- JUVENILE

Section	Applicability
504.200	Definitions
504.202	Responsibilities
504.205	Offenses and Maximum Penalties
504.210	Preparation of Disciplinary Reports
504.220	Temporary Confinement
504.230	Review of Disciplinary Reports
504.240	Adjustment Committee and Program Unit Composition
504.250	Adjustment Committee Hearing Procedures
504.260	New or Additional Proceedings
504.270	Program Unit Hearing Procedures
504.275	Computation of Discipline for Multiple Offenses
504.280	Restitution Procedures
504.290	Restoration of Good Time
504.300	

## SUBPART C: ADMINISTRATION OF DISCIPLINE -- COMMUNITY SERVICES



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

Section  
 504.400 Applicability  
 504.401 Definitions  
 504.402 Responsibilities  
 504.405 Offenses and Maximum Penalties  
 504.410 Preparation of Disciplinary Reports  
 504.420 Temporary Confinement  
 504.430 Review of Disciplinary Reports  
 504.440 Adjustment Committee and Program Unit Composition  
 504.450 Adjustment Committee Hearing Procedures  
 504.460 New or Additional Proceedings  
 504.470 Program Unit Hearing Procedures  
 504.480 Computation of Penalty for Multiple Offenses  
 504.490 Restitution Procedures  
 504.500 Restoration of Good Time  
 504.510

## SUBPART D: SEGREGATION, INVESTIGATIVE CONFINEMENT AND ADMINISTRATIVE DETENTION -- ADULT

Section  
 504.600 Applicability  
 504.601 Definitions  
 504.602 Responsibilities  
 504.610 Placement in Segregation Status Confinement  
 504.610 Segregation Standards  
 504.620 Investigative Confinement  
 504.630 Confinement Pending Transfer (Repealed)  
 504.640 Confinement in Control Segregation (Repealed)  
 504.650 Administrative Detention  
 504.660 Recreation for Persons in Segregation Status  
 504.670

## SUBPART E: CONFINEMENT PROCEDURES -- JUVENILE

Section  
 504.700 Applicability  
 504.710 Definitions  
 504.715 Responsibilities  
 504.720 Placement in Confinement  
 504.730 Confinement Procedures

## SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

Section  
 504.800 Applicability  
 504.801 Definitions  
 504.802 Responsibilities  
 504.805 Filing of Grievances  
 504.810 Grievance Officer

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

504.830 Grievance Procedures  
 504.840 Emergency Procedures  
 504.850 Appeals  
 504.860 Records  
 504.870 Direct Review by Administrative Review Board

## SUBPART G: GRIEVANCE PROCEDURES FOR RELEASEES

Section  
 504.900 Applicability  
 504.901 Definitions  
 504.905 Responsibilities  
 504.910 Filing of Grievances  
 504.920 Review of Grievances  
 504.930 Appeals  
 504.940

TABLE A  
 OFFENSES AND MAXIMUM PENALTIES -- ADULT DIVISION  
 TABLE B  
 OFFENSES AND MAXIMUM PENALTIES -- JUVENILE DIVISION  
 TABLE C  
 OFFENSES AND MAXIMUM PENALTIES -- COMMUNITY SERVICES DIVISION

AUTHORITY: Implementing the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and implementing and authorized by Sections 3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 3-8-7, 3-8-8, 3-10-8, and 3-10-9], 3-8-7, 3-8-8, 3-10-8, and 3-10-9]. Sections 504.70 and 504.715 are implementing a Consent Decree (U.S. Department of Justice vs. the State of Illinois, #8-CIV-76-0158, S.D. Ill., 1978). Sections 504.80 and 504.810 are also implementing a Consent Order (Arsberry vs. Sielaff, #74 C 1918 and Longstreet vs. Sielaff, #74 C 1951, N.D. Ill., 1982).

SOURCE: Adopted at 8 Ill. Reg. 14427, effective August 1, 1984; amended at 12 Ill. Reg. 8351, effective June 1, 1988; amended at 16 Ill. Reg. 10430, effective July 1, 1992; amended at 22 Ill. Reg. 1206, effective

JAN 01 1999

## SUBPART A: ADMINISTRATION OF DISCIPLINE -- ADULT

## Section 504.15 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1998)

## Section 504.20 Offenses and Maximum Penalties

Maximum penalties for conduct which constitutes a disciplinary infraction are set forth in Table A.

a) No committed person shall be found guilty of any violation of these rules without a hearing before the Adjustment Committee or program Unit. If a committed person is transferred from one facility to another while pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.

b) In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer, and the Director may consider, among other matters, mitigating or aggravating factors such as:

- 1) The committed person's mental state at the time of committing the offense;
  - 2) The extent and degree of participation in the commission of the offense;
  - 3) The amount of and/or nature of stolen property, contraband, or injury; and
  - 4) The committed person's prior disciplinary record.
- c) Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials and reductions in the frequency of use of toilets, washrooms and showers shall be prohibited.
- d) Disciplinary restrictions on visitation, work, education or program assignments and use of the library shall be related as closely as practicable to the abuse of such privileges.

e) Committed persons are Every committed person is presumed to be responsible for any contraband or other property prohibited by this Part which is located on their person, within their cell or within areas of their housing, work, educational, or vocational assignment which are under their control. Areas under a committed person's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the committed person's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, and locker in his or her work, educational, or vocational assignment. If the committed person produces evidence which convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the committed person shall be found not guilty.

(Source: Amended at 22 Ill. Reg. 1206, effective

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

JAN 01 1998

## Section 504.30 Preparation of Disciplinary Reports

- a) Every employee has the duty to observe the conduct of committed persons.
- b) If an employee observes a committed person committing an offense, discovers evidence of its commission, or receives information from a reliable witness of such conduct, the employee shall promptly prepare a disciplinary report. However, if the infraction is one of those listed in the 400 series in Table A and the employee determines a disciplinary report is not necessary, the employee may orally reprimand the committed person.
- c) The disciplinary report must be fully completed. The reporting employee shall provide the following information to the extent known or available.
  - 1) The name and register number of the committed person.
  - 2) The place, time, and date of the offense.
  - 3) The offense which the committed person is alleged to have committed.
  - 4) A written statement of the conduct observed.
  - 5) The names of committed persons, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
  - 6) The signature of the reporting employee and the date and time the report is completed.
- d) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended 22 Ill. Reg. 1206, effective

JAN 01 1998)

## Section 504.40 Temporary Confinement

a) The shift supervisor shall determine whether or not it is necessary to place the committed person in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or investigative report in accordance with Section 504.30. The decision to place a committed person in temporary confinement may be based, among other matters, on:

- a) The aggressiveness of the committed person;
- b) The threat posed to the safety and security of the facility or any

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

person:

- c)3) The need to restrict the committed person's access to general population to protect the individual from injury or to conduct the investigation; or and/or  
d)4) The seriousness of the offense.  
b) committed persons may be confined in their cells or living areas in the segregation area or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 22 Ill. Reg. 1201, effective JAN 01 1990)

Section 504.50 Review of Disciplinary Reports

- a) The Chief Administrative Officer of each facility shall designate one or more Reviewing Officers.  
b) The Reviewing Officer shall review the decision to place a committed person in temporary confinement within three days of such placement, whenever possible, and may order release from or placement in temporary confinement. Among other matters, the factors listed in Section 504.40(a) may be considered. If a disciplinary or investigative report has not been written within three days of placement in temporary confinement, the Reviewing Officer shall inform the Chief Administrative Officer.  
c) A committed person who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within 14 eight days after of initial placement in investigative status, whenever possible.  
1) The Reviewing Officer shall recommend whether to continue placement of the committed person in investigative status. Among other matters, factors listed in Section 504.40(a) may be considered. The Chief Administrative Officer shall make the final determination.  
2) The committed person shall be informed of the decision and the decision shall be documented in writing.  
3) The committed person may be detained in investigative status for up to 30 days.  
4) If the investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.  
5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the committed person shall be issued

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

a revised disciplinary report.

- 6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the disciplinary report, unless the report has been expunged.  
7) If a committed person is transferred from one facility to another while in confinement pending investigation, he shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility, which is comparable to that which would have been afforded in accordance with this Subpart, at the sending facility.  
7)8) In the event that an investigation cannot be completed within 30 days due to an institutional emergency, the Chief Administrative Officer may personally authorize, in writing, an extension of up to 30 days placement in confinement pending investigation. As used in this Section, an institutional emergency includes riots, strikes, lockdowns, and natural disasters.  
8)9) The Director may personally authorize, in writing, additional extensions of up to 30 days each if an institutional emergency prevents completion of the investigation within 60 days. The committed person shall be informed of the decision in writing.  
d) The Reviewing Officer shall review each disciplinary report and determine whether:

- 1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
- 2) The disciplinary report has been completed properly. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed person shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing, unless the committed person waives this notice in writing.
- 3) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.
  - A) Aiding and abetting, soliciting, attempting to commit, conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table A shall be considered a major offense.
  - B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense.
- e) The Reviewing Officer shall forward copies of all major disciplinary reports to the Hearing Investigator.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended JAN 11 1956 22 Ill. Reg. 100, effective JAN 11 1956)

## Section 504.60 Investigation of Major Disciplinary Reports

- a) The Chief Administrative Officer shall appoint one or more Hearing Investigators who shall review all major disciplinary reports.
- b) The Hearing Investigator may conduct an investigation into the charges as determined to be appropriate. This determination may be based, among other matters, upon the severity of the offense, the complexity of the charges, or the committed person's admission of guilt. The investigation may include an investigation of additional charges.
- c) The Hearing Investigator may correct or direct the reporting employee to correct any errors in the disciplinary report. The committed person shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing unless the committed person waives this notice.
- d) The Hearing Investigator may interview any person who may have information which relates to the alleged violation and may inspect any physical evidence.
- e) The Hearing Investigator shall determine whether or not to submit a report to the Adjustment Committee, based upon the results of the investigation. However, if the investigation reveals evidence of a convincing nature that the committed person did not commit the offense, he must report that evidence must be reported to the Committee.
- f) Any report may be submitted in writing or presented orally, as determined by the Hearing Investigator.

(Source: Amended JAN 11 1956 22 Ill. Reg. 100, effective JAN 11 1956)

## Section 504.70 Adjustment Committee and Program Unit Composition

- a) The Chief Administrative Officer shall appoint the Adjustment Committee, which shall be composed of at least two members.
  - 1) The Adjustment Committee shall include a member of the program staff and a member of the security staff.
  - 2) At least one member of the Committee shall be a minority staff member.
  - 3) The Chief Administrative Officer shall designate a chairperson chairman.
- b) The Program Unit shall be composed of a group of employees appointed by the Chief Administrative Officer, who shall serve as Hearing Officers. At least one member of the Unit shall be a minority staff member.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended JAN 11 1956 22 Ill. Reg. 100, effective JAN 11 1956)

## Section 504.80 Adjustment Committee Hearing Procedures

- a) The Adjustment Committee hearing shall be convened but need not be concluded within 14 days after the commission of the offense or its discovery, whenever possible, unless the committed person has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, where an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the committed person from the facility for any reason or certification by health care staff that the committed person is unable to appear.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24-hour advance notice. The waiver shall be in writing.
- c) The committed person shall be informed before or at the hearing of information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon his request, be given a continuance.
- d) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted an informal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Adjustment Committee hearing that disciplinary report. A committed person who objects to a member of the Committee based on a lack of impartiality must raise the matter at the beginning of the hearing. The Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.
- e) A committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.
- f) Any committed person charged with a violation of any rules shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be adversely construed against the individual him by the Adjustment Committee.
  - 1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.
  - 2) Prior to the hearing, the committed person may request that witnesses be interviewed. The request shall be in writing on the space provided in the disciplinary report and shall include an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the hearing, the individual he may be granted a continuance for good cause shown.



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- g) The Committee shall consider all material presented which is relevant to the issue of whether or not the committed person committed the offense.
- h) The Adjustment Committee shall may consider any statements of witnesses with relevant knowledge of the incident who are reasonably available.
- 1) The Committee or its Hearing Investigator may interview witnesses and prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
  - 2) The committed person does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee or its Hearing Investigator unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
  - 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
  - 4) Requests witnesses--requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied excluded, a written reason shall be provided.
  - i) The committed person shall not have the right to either retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.
  - j) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and evidence.
    - 1) The Committee must be reasonably satisfied there is some evidence that the committed person committed the offense for the individual to be found guilty.
    - 2) Paragraph results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
  - k) The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:
    - 1) Find that the committed person did not commit the offense. In that case, the Committee shall order that the disciplinary report be dismissed and expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
    - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the offense and place the committed person in investigative status.
    - 3) Find that additional time is needed to obtain information

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- relative to the charge. The hearing may be continued for a reasonable time. However, unless the committed person is placed in investigative status, the individual he may not be confined for more than 10 eight days from the date of placement in temporary confinement.
- 4) Find that the committed person did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee--and may recommend one or more of the following disciplinary actions:
- A) Reprimand the committed person.
  - B) Suspend or restrict one or more privileges of the committed person for a specific period of time not-to-exceed-90-days.
  - C) Reduce the committed person's grade.
  - D) Change the committed person's program.
  - E) Change the committed person's housing assignment or transfer the individual to another correctional facility.
  - F) Revoke the committed person's statutory good time or good conduct credits.
  - G) Increase the committed person's security classification.
  - H) Place the committed person in segregation.
  - I) Require the committed person to make restitution.
  - J) Require forfeiture of items of contraband used in the offense or possessed in violation of this Part.
  - K) Restrict access to clothing, bedding, toilets, washbowls, and showers if related to abuse of that privilege. Restrictions must be personally reviewed and approved every three days by the Chief Administrative Officer or above.
- 5) This Part shall in no way be construed to restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment, to restrict privileges, or to transfer the committed person to another facility.
- 1) A written record shall be prepared and signed by all members of the Committee which contains:
- 1) A summary of oral and written statements and other evidence presented. If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding.
  - A) The Committee may consider information from confidential sources if:
    - i) It finds that his or her identity must be withheld for reasons of security; and
    - ii) The information is reliable.
  - B) Reliability may be established by one of the following:
    - i) The investigating officer has indicated, in writing and by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information;

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- ii) Corroborating testimony such as statements from other sources or polygraph results; or
- iii) A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.

C) If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.

2) If the Committee members find that the committed person committed the offense, a statement as to their reasons for the finding, if exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.

3) The disposition of the charges, and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.

m) If the safety or security of the facility or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or end/or security concerns.

n) If the committed person is found guilty, the individual he shall be informed of the opportunity to appeal through the grievance procedures in 20 Ill. Adm. Code 504, Subpart F (46part-F).

o) A copy of the disciplinary report and Adjustment Committee summary shall be forwarded to the Chief Administrative Officer for review and approval and a copy shall be filed in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.

p) The Chief Administrative Officer shall review all Adjustment Committee dispositions. The Director shall review all Adjustment Committee dispositions which recommend that the committed person lose statutory good time or good conduct credits.

1) The Director or the Chief Administrative Officer may take the following actions:

- A) Confirm the recommendation disposition in whole or in part.
- B) Order additional or new proceedings.
- C) Suspend or overturn the recommendation disposition.
- D) Offer the committed person a work assignment which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.

2) The Director or the Chief Administrative Officer shall not

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

increase, but may reduce, the sanctions recommended by the Adjustment Committee imposed. The committed person shall be sent a copy of any modification to the Adjustment Committee recommendations receive a copy of this review.

(Source: Amended 22 Ill. Reg. 100, effective JAN 01 1988)

## Section 504.90 New or Additional Proceedings

a) The Director or the Chief Administrative Officer shall may remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:

- 1) Inadequate notice, including failure to state the correct date of the offense on the disciplinary report or failure to provide the committed person with 24-hour notice of the hearing and notice was not waived.
- 2) Lack of impartiality of the Adjustment Committee.
- 3) Improper exclusion of witnesses.

4) Failure to provide exonerating information to the committed person prior to the hearing.

b) New or additional proceedings may be ordered in other circumstances, as determined by the Director or Chief Administrative Officer.

- 1) The committed person shall be provided with notice of the rehearing within a reasonable time after the Chief Administrative Officer's decision or the facility's receipt of the decision.
- 2) The rehearing shall commence within 14 eight-calendar days after receipt of the decision, whenever possible.

3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.

c) The Director or the Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses, or the basis for the finding of guilt and imposition of sanctions, statement of reasons for deeming sources to be confidential, or the failure to specify reasons for finding a confidential source to be reliable.

- 1) The committed person shall not have the right to a new hearing, but shall be notified of the decision.
- 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Director in accordance with the procedures applicable to review of the original disposition.

d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

which was not available at the original hearing which justifies the imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 22 Ill. Reg. 1200, effective JAN 11 1993)

## Section 504.100 Program Unit Hearing Procedures

- a) The Program Unit hearing shall be convened, but need not be concluded, within 14 eight--center days after the commission of the offense or its discovery, whenever possible, unless the committed person is unable to participate in the hearing.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon the committed person's written request and for good cause shown.
- e) The committed person shall have the right to appear before and address the Program Unit Hearing Officer.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The committed person shall not have the right to retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation of his or her defense if the individual he is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.
- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.20(b) shall be considered when making this determination.
- i) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 14 eight--center days after the approval, whenever possible.
- j) If not approved, the disciplinary report shall be referred reported back for a hearing before the Program Unit which shall commence within 14 eight--center days after the decision not to approve the recommendation, whenever possible of the approval.

- i) The Program Unit Hearing Officer may recommend any of the actions authorized in Section 504.80(k) of this Part, except that the Officer he may not recommend placement in segregation, revocation of good time, demotion--to--lower--grade an increase in the committed person's

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- j) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- k) The summary shall be processed in accordance with Sections 504.80(o) and (p) and 504.90 of this Part.

(Source: Amended at 22 Ill. Reg. 1200, effective JAN 11 1993)

## Section 504.110 Computation of Discipline for Multiple Offenses

- a) When a committed person has been found in violation of more than one offense arising from a single incident, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual he is found to have committed.
- b) When a committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended at 22 Ill. Reg. 1200, effective JAN 11 1993)

## Section 504.115 Indeterminate Segregation Placement

- a) Within the first year of placement in indeterminate segregation and no less frequently than once every 180 days thereafter, the Director, Deputy Director, or Assistant Deputy Director shall personally review the indeterminate placement of committed persons in disciplinary segregation. This review shall include a face-to-face interview with the committed person by staff. The Director, Deputy Director, or Assistant Deputy Director may continue the committed person on an indeterminate segregation term or establish a specific segregation release date.
- b) In determining whether to establish a specific segregation release date, the Director may consider, among other matters:
  - 1) The seriousness of the offense;
  - 2) The safety and security of the facility or any person;
  - 3) The committed person's behavioral and disciplinary history;
  - 4) Reports and recommendations concerning the committed person;
  - 5) The interview and any submissions of relevant material and information;
  - 6) Institutional order; and
  - 7) Other legitimate penological interests.
- c) A copy of the decision shall be provided to the committed person and

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

the facility record office.

- d) A committed person in disciplinary segregation for an indeterminate term may seek a reduction in the segregation placement in accordance with Section 504.120.

(Source: Added at 22 Ill. Reg. 1205, effective JAN 01 1993)

## Section 504.120 Reduction in Segregation Placement

- a) A committed person shall receive credit against the term of segregation placement for time spent in temporary confinement or in investigative status.
- b) A committed person may petition the Adjustment Committee no more often than every 30 days to reduce the segregation term based on his or her conduct while in segregation.
- c) The Adjustment Committee may either recommend reduction of the original segregation term imposed or deny the petition.
- d) The Committee's recommendation shall be reviewed by the Chief Administrative Officer. A copy of the decision shall be provided to the committed person and the facility record office.

(Source: Amended at 22 Ill. Reg. 1205, effective JAN 01 1993)

## Section 504.130 Denial and Restoration in Grade

- a) Privileges shall be afforded to committed persons based upon their current grade, in the following manner:
- 1) Committed persons in "A" grade shall be eligible to receive all institutional privileges. Newly admitted committed persons shall be placed in "A" grade.
  - 2) Committed persons in "B" grade shall be eligible to receive all institutional privileges except that they shall not be eligible for a day release program or a furlough other than a medical or funeral furlough.
  - 3) Committed persons in "C" grade shall be eligible to receive no privileges except yard, and commissary, and visits. A committed person may purchase personal hygiene items and other items approved by the Chief Administrative Officer based on the committed person's institutional status a maximum of \$10-worth of items from the commissary once each 30 day period while in "C" grade. The 30 day period shall commence on the date of placement into "C" grade.
- b) A committed person who has been demoted to "B" or "C" grade as a result of a disciplinary infraction shall be automatically promoted to the next highest grade at the expiration of the time period specified by the Adjustment Committee.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- c) A committed person who has been demoted to "C" grade and automatically placed in "B" grade after expiration of the time period specified by the Adjustment Committee shall be required to spend the same time period in "B" grade as in "C" grade. Upon expiration of this time period, the committed person shall be restored to "A" grade.
- d) A committed person may petition the Adjustment Committee for restoration in grade based upon the individual's his good conduct and institutional record no more often than every 90 days. A copy of the Committee's decision shall be provided to the committed person.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1993)

## Section 504.140 Restitution Procedures

- a) The Adjustment Committee or Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee or Program Unit shall document determine the amount and the conditions of payment.
- b) If the Adjustment Committee or Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.
- 1) If the committed person agrees to make restitution the individual he shall sign an authorization for disbursement of funds either to the State or to the appropriate individual.
  - 2) If the committed person refuses to authorize disbursement of his or her current funds or future earnings in accordance with the Adjustment Committee's or Program Unit's recommendation, the Adjustment Committee or Program Unit may recommend that a hold be placed on the individual's his account for such amount, and may further recommend that the individual's his commissary privileges or and/or State pay or both be suspended in whole or in part for a definite period of time. However, the committed person shall be permitted to retain a sufficient amount of funds to purchase basic personal hygiene items if such items are not provided by the facility.
- c) The Adjustment Committee or Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.
- d) A committed person shall not be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.
- e) In the event a committed person is released prior to full payment of restitution, arrangements shall be made for payment of the balance of the authorized restitution. If the committed person did not authorized restitution, all or a portion of the grant money provided

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

for in 20 Ill. Adm. Code 502.320 may be suspended.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## Section 504.150 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. When a committed person has lost 30 days or less of good time and for 30 days following the revocation has not been found guilty of one major or three minor disciplinary reports, there shall be an automatic consideration for the restoration of that good time which was revoked.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## SUBPART B: ADMINISTRATION OF DISCIPLINE -- JUVENILE

## Section 504.205 Responsibilities

- Unless otherwise specified, the Director, Deputy Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director, Deputy Director or Chief Administrative Officer shall personally perform the duties. However, the Director, Deputy Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## Section 504.210 Offenses and Maximum Penalties

Maximum penalties for conduct which constitutes a disciplinary infraction are set forth in Table B.

- No committed person shall be found guilty of any violation of this Part without a hearing before the Adjustment Committee or Program Unit. If a committed person is transferred from one facility to another pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility that is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.

b) In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer, the Deputy Director,

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

or the Director may consider, among other things, mitigating or aggravating factors such as:

- The committed person's mental state at the time of committing the offense;
  - The extent and degree of participation in the commission of the offense;
  - The amount of and/or nature of stolen property, contraband, or injury; and
  - The committed person's prior disciplinary record.
- c) Corporal punishment, and disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials; and reductions in the frequency of use of toilets, washbowl, and showers are prohibited.
- d) Disciplinary restrictions on visitation, work, education, or program assignments and the use of the library shall be related as closely as practicable to abuse of such privileges or facilities.
- e) Committed persons are ~~every~~ committed person is presumed to be responsible for any contraband or other property prohibited by this part which is located on their his person, within their his cell, or within areas of their his housing, work, educational, or vocational assignment which are under their his control. Areas under a committed person's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the committed person's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, and locker in his or her work, educational, or vocational assignment. If the committed person produces evidence which convinces the Adjustment Committee that he or she did not commit the offense, the committed person he shall be found not guilty.

(Source: Amended at 22 Ill. Reg. 1207, effective JAN 11 1993)

## Section 504.220 Preparation of Disciplinary Reports

- Every employee has the duty to observe the conduct of committed persons.
- Any rule infraction which may result in disciplinary action which suspends privileges, involves the imposition of disciplinary confinement, delays referral to the Prisoner Review Board, or causes a change in work, education, or other program assignment of more than seven days duration must be documented in the form of a disciplinary report by the employee who observes the committed person's behavior, discovers evidence of a rule infraction, or receives information of such behavior from a reliable witness.
- When the rule infraction is minor, every effort should be made to take corrective action which is adapted to individual circumstances, administered immediately and consistently, and is understood by the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

committed person through appropriate counseling efforts.

d) The disciplinary report must be promptly and fully completed. The following information shall be provided, to the extent known or available:

- 1) The name and number of the committed person.
  - 2) The place, time, and date of the offense.
  - 3) The offense which the committed person is alleged to have committed.
  - 4) A written statement of the conduct observed.
  - 5) The names of any committed persons, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
  - 6) A statement describing any immediate action taken.
  - 7) The signature of the reporting employee and the date and time the report is completed.
- e) The disciplinary report shall be prepared and forwarded to the shift supervisor or other person designated by the Chief Administrative Officer.
- f) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended at 22 Ill. Reg. 101.6, effective JAN 11 1996)

## Section 504.230 Temporary Confinement

- a) The shift supervisor shall determine whether or not it is necessary to place the committed person in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or an investigative report in accordance with Section 504.220. The decision may be based, among other matters, on:
- 1) The aggressiveness of the committed person;
  - 2) The threat posed to the safety and security of the facility or any person;
  - 3) The need to restrict the committed person's access to general population to protect the individual from injury or to conduct the investigation; or
  - 4) The seriousness of the offense.
- b) A committed person shall not be placed in temporary confinement status pending a disciplinary hearing for more than four days unless the individual he is in investigative status.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

c) Committed persons may be confined in their cells or living areas or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 22 Ill. Reg. 101.6, effective JAN 11 1996)

## Section 504.240 Review of Disciplinary Reports

a) The Chief Administrative Officer of each facility shall designate one or more Reviewing Officers.

b) The Reviewing Officer shall review each disciplinary report to determine whether:

- 1) The reported facts justify a disciplinary hearing. If not, the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
- 2) The disciplinary report has been completed properly. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed persons shall be provided with a copy of the corrected report.
- 3) In the event the corrected report contains new charges, the committed person shall be provided a copy of the corrected report at least 24 hours prior to the hearing unless the committed persons waives this notice in writing.
- 4) It is necessary to place or continue placement of the committed person in temporary confinement pending a disciplinary hearing. Among other matters, the factors listed in Section 504.230 may be considered. If a disciplinary or investigative report has not been written within three days of placement in temporary confinement, the Reviewing Officer shall inform the Chief Administrative Officer.

4) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.

A) Aiding and abetting, soliciting, attempting to commit, conspiracy to commit, or committing any offense listed in the 100, 200 or 500 series of Table B shall be considered a major offense.

B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense.

c) A committed person who receives an investigative report shall be interviewed by the Reviewing Officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within three days of initial placement in investigative status, whenever possible.



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

1) The Reviewing Officer shall recommend whether to continue placement of the committed person in investigative status. Among other matters, factors listed in Section 504.230(a) may be considered. The Chief Administrative Officer shall make the final determination.

2) The committed person shall be informed of the decision and the decision shall be documented in writing.

3) The committed person may be detained in investigative status for up to five days.

4) If the investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's master record file. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.

5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the committed person shall be issued a revised disciplinary report.

6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.

7) In the event that an investigation cannot be completed within five days due to an institutional emergency, the Chief Administrative Officer may personally authorize, in writing, extensions of up to five days each of placement in confinement pending an investigation. As used in this Section, an institutional emergency includes riots, strikes, lockdowns, and natural disasters.

(Source: Amended at 22 Ill. Reg. 1205, effective JAN 01 1996)

## Section 504.250 Adjustment Committee and Program Unit Composition

a) The Adjustment Committee shall be composed of at least 2 two members appointed by the Chief Administrative Officer, one of whom shall be designated as the chairperson.

b) The Program Unit shall be composed of a group of employees appointed by the Chief Administrative Officer, who shall serve as Hearing Officers.

c) Any person who initiated a disciplinary charge against a committed person, or who conducted an a-formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial, shall not serve on the Adjustment Committee or Program Unit hearing the report. A committed person who objects to a member of the Committee based on a lack of impartiality must raise the matter at the beginning of the hearing. The Committee shall document the basis of

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

the objection and the decision in the Adjustment Committee summary.  
(Source: Amended at 22 Ill. Reg. 1205, effective JAN 01 1996)

## Section 504.260 Adjustment Committee Hearing Procedures

a) The Adjustment Committee hearing shall be convened but need not be concluded within 7 seven-calendar days after the commission of the alleged rule infraction or its discovery unless the committed person has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, where an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the committed person from the facility for any reason or certification by health care staff that the committed person is unable to appear.

b) The committed person shall receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24-hour advance notice. The waiver shall be in writing.

c) The committed person shall be informed before or at the hearing of information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon request, be given a continuance.

d) A committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.

e) Committed persons shall not have a right to either retained or appointed counsel to prepare their defense or appear on their behalf before the Adjustment Committee. A committed person shall, upon request, have the assistance of a staff member in the preparation and presentation of his or her defense.

f) Any committed person charged with a violation of any rule shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be construed against the individual him by the Adjustment Committee.

1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.

2) Prior to the hearing, the committed person may request that witnesses be interviewed. The request shall be submitted in writing on the space provided in the disciplinary report and must include an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the hearing, the individual he may be granted a continuance for good cause shown.

g) The Committee shall consider all material presented which is relevant to the issue of whether or not the committed person committed the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

offense.  
h) The Adjustment Committee shall may consider any statements of witnesses with relevant knowledge of the incident and who are reasonably available.

- 1) The Committee may interview witnesses and prepare or review summaries of their testimony prior to or at of subsequent to the hearing.
- 2) The committed person does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
- 4) Requests witnesses-requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied excluded, a written reason shall be provided.
- i) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and evidence.
  - 1) The Committee must be reasonably satisfied there is some evidence that the committed person committed the offense for the individual him to be found guilty.
  - 2) Polygraph results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
- j) The Adjustment Committee shall take one of the following actions, based upon the evidence admitted:
  - 1) Find that the committed person did not commit the offense. In that case, the Committee shall order that the disciplinary report disciplinary-report be dismissed and expunged from the committed person's master record file. A copy shall be maintained in an expungement file.
  - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the rule infraction and place the committed person in investigative status.
  - 3) Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a reasonable time. However, unless the committed person is placed in investigative status, the individual he may not be confined for more than seven days from the original placement in confinement.
  - 4) Find that the committed person did commit the rule infraction or a lesser rule infraction for which the elements were included in

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

the original charge. The Committee may recommend one or more of the following disciplinary actions:

- A) Reprimand the committed person.
- B) Suspend or restrict one or more privileges of the committed person for a specific period of time.
- C) Change the committed person's program.
- D) Change the committed person's housing assignment or transfer the individual him to another facility.
- E) Revoke good time conduct-credits for juvenile felons and habitual juvenile offenders.
- F) Place or continue placement of the committed person in confinement. A committed person may not be confined for more than 7 seven consecutive days nor more than 15 fifteen days within a 30 thirty day period except in cases of violence or attempted violence in accordance with Section 504.730. Credit shall be given for any period of prehearing and investigatory status confinement.
- G) Delay referral of the committed person to the Prisoner Review Board for recommended parole.
- H) Require the committed person to make restitution.
- I) Require forfeiture of items of contraband used in the rule infraction or possessed in violation of this Part.
- 5) This Part shall in no way be construed to restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment, to restrict privileges, or to transfer the committed person to another facility.
- k) A written record shall be prepared and be signed by all the members of the Committee which contains:
  - 1) A summary of oral and written statements and other evidence presented. If the Committee-members find that the committed person committed the offense they shall provide a statement--as to their reasons for the finding.
  - A) The Committee may consider information from confidential sources if:
    - i) It finds that his or her identity must be withheld for reasons of security; and
    - ii) The information is reliable.
  - B) Reliability may be established by one of the following:
    - i) The investigating officer has indicated, in writing and by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information.
    - ii) Corroborating testimony such as statements from other sources or polygraph results; or
    - iii) A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.

- 1) If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.
- 2) If the Committee members find that the committed person committed the offense, a statement as to their reasons for the finding, if exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.
- 3) The disposition of the charges, hearing and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.
- 4) If the safety or security of the facility or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or end/or security concerns.
- 5) If the committed person is found guilty, the Committee shall inform the individual him of the opportunity to appeal through the grievance procedures in accordance with 20 Ill. Adm. Code 504 Subpart 5.
- 6) A copy of the Adjustment Committee summary and the disciplinary report shall be forwarded to the Chief Administrative Officer for review and approval and a copy shall be filed in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.
- 7) The Chief Administrative Officer shall review the Adjustment Committee summary. The Director shall review the Adjustment Committee summary when it has been recommended that a committed person lose ~~status~~ good time or good-conduct-credits. The Deputy Director of the Juvenile Division shall review the Adjustment Committee summary when the Committee it has recommended a delay in referral to the Prisoner Review Board for more than 30 days.
- 8) When reviewing the record, the Director, Deputy Director, or Chief Administrative Officer may take the following actions:
  - A) Confirm the recommendation in whole or in part;
  - B) Order additional or new proceedings; and/or
  - C) Suspend or overturn the recommendation.
  - D) Offer the committed person a work assignment which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.
- 9) The Director, Deputy Director, or the Chief Administrative Officer shall not increase, but may reduce, the sanctions recommended by the Adjustment Committee imposed. The committed

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

person shall be sent a copy of any modifications to the Adjustment Committee's recommendation.

(Source: Amended at 22 Ill. Reg. 1900, effective JAN. 11 1993)

## Section 504.270 New or Additional Proceedings

- a) The Director, Deputy Director, or the Chief Administrative Officer shall ~~may~~ remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:
  - 1) Inadequate notice, including failure to state the correct date of the offense or the failure to provide the committed person with 24-hour notice of the hearing and notice was not waived.
  - 2) Lack of impartiality of the Adjustment Committee.
  - 3) Improper exclusion of witnesses.
  - 4) Failure to provide exonerating information to the committed person prior to the hearing.
- b) New or additional proceedings may be ordered in other circumstances, as determined by the Director, Deputy Director, or Chief Administrative Officer.
  - 1) The committed person shall be provided with notice of the rehearing as soon as possible after the Chief Administrative Officer's decision or the facility's receipt of facility-receives the decision.
  - 2) The rehearing shall commence, whenever possible, within 7 seven calendar days after the Chief Administrative Officer's decision or the facility's receipt of the decision.
  - 3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.
- c) The Director, Deputy Director, or Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses, or the basis for the finding of guilt and imposition of sanctions, or the failure to specify reasons for finding a confidential informant to be reliable.
  - 1) The committed person shall not have the right to a new hearing but shall be notified of the decision.
  - 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Director or Deputy Director in accordance with the procedures applicable to review of the original disposition.
- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced which was not available at the original hearing which justifies the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended at 22 Ill. Reg. 1000, effective JAN 1 1990)

## Section 504.275 Program Unit Hearing Procedures

- a) The Program Unit shall be convened, but need not be concluded, within 7 seven-calendar days after the commission of the offense or its discovery unless the committed person is unable to participate in the hearing.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) The hearing may be continued to obtain additional information or upon the committed person's written request and for good cause shown.
- d) The committed person shall have the right to appear before and address the Program Unit Hearing Officer.
- e) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- f) The committed person shall not have the right to retained or appointed counsel, but he or she may request assistance of a staff member in the preparation of his or her defense.
- g) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.210(a) shall be considered when making this determination.

- 1) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 7 seven-calendar days after the approval.
- 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit which shall commence within 7 seven-calendar days after of the decision not to approve the recommendation approve.

- h) The Program Unit Officer may recommend any of the actions authorized in Section 504.260(j) of this Part, except that the Officer he may not recommend placement in confinement, revocation of good time, conduct credits or delay in referral of the committed person to the Prisoner Review Board board for recommended parole.

- i) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- j) The summary shall be processed in accordance with Sections 504.260(n) and (o) and 504.270 of this Part.

(Source: Amended at 22 Ill. Reg. 1000, effective JAN 1 1990)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

JAN 1 1990

## Section 504.280 Computation of Discipline for Multiple Offenses

- a) When a committed person has been found in violation of more than one offense arising from a single incident, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual he is found to have committed.
- b) When a committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended at 22 Ill. Reg. 1000, effective JAN 1 1990)

## Section 504.290 Restitution Procedures

- a) The Adjustment Committee or Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee or Program Unit shall determine the amount and the conditions of payment.

- b) If the Adjustment Committee or Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.

- 1) If the committed person agrees to make restitution, the individual he shall sign an authorization for disbursement of funds either to the State or the appropriate individual.

- 2) If the committed person refuses to authorize disbursement of his or her current funds or future earnings in accordance with the Adjustment Committee's or Program Unit's recommendation, the Adjustment Committee or Program Unit may recommend that a hold be placed on the individual's account for such amount, and may further recommend that the individual's commissary privileges be suspended in whole or in part for a definite period of time.

- c) The Adjustment Committee or Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.

- d) Under no circumstances will any committed person be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.

- e) In the event a committed person is released prior to full payment of restitution, arrangements shall be made for payment of the balance of

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

the authorized restitution. If the committed person did not authorize restitution, all or a portion of the grant money provided for in 20 Ill. Adm. Code 502.320 may be suspended.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1990.)

Section 504.300 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. When a committed person has lost 30 days or less of good time and for 120 days following the revocation he has not been found guilty of one major or three minor disciplinary reports, there shall be an automatic consideration for the restoration of that good time which was revoked.

(Source: Amended at 22 Ill. Reg. 1205, effective JAN 01 1990.)

SUBPART C: ADMINISTRATION OF DISCIPLINE -- COMMUNITY SERVICES

Section 504.405 Responsibilities

- Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1990.)

Section 504.410 Offenses and Maximum Penalties

Maximum penalties for conduct which constitutes a disciplinary infraction are set forth in Table C.

- No committed person shall be found guilty of any violation of this Part ~~these rules~~ without a hearing before the Adjustment Committee or Program Unit. If a committed person is transferred from one facility to another pending a hearing, the individual shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility which is comparable to that which would have been afforded, in accordance with this Subpart, at the sending facility.

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

- In determining the appropriate sanctions, the Adjustment Committee or Program Unit, the Chief Administrative Officer, and the Director may consider, among other matters, mitigating or aggravating factors such as:

- The committed person's mental state at the time of committing the offense;
  - The extent and degree of participation in the commission of the offense;
  - The amount of and/or nature of stolen property, contraband, or injury; and
  - The committed person's prior disciplinary record.
- Corporal punishment and disciplinary restrictions on diet, medical or sanitary facilities, clothing, bedding, mail, or access to legal materials shall be and reductions in the frequency of use of toilet, washbasin and showers are prohibited.
  - Disciplinary restrictions on visitation, work, education or program assignments, and use of the library shall be related as closely as practicable to the abuse of such privileges.

d) Committed persons are ~~every~~ committed person is presumed to be responsible for any contraband or other property prohibited by this Part which is located on their his housing, work, educational, or vocational assignment which are under their his control. Areas under a committed person's control include, but are not limited to, the door track, window ledge, ventilation unit, plumbing, and the committed person's desk, cabinet, shelving, storage area, bed, and bedding materials in his or her housing assignment; and desk, cubicle, work station, and locker in his or her work, educational, or vocational assignment. If the committed person produces evidence which convinces the Adjustment Committee or Program Unit that he or she did not commit the offense, the committed person he shall be found not guilty.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1990.)

Section 504.420 Preparation of Disciplinary Reports

- Every employee has the duty to observe the conduct of committed persons.
- If an employee observes a committed person committing an offense, discovers evidence of its commission, or receives information of such conduct from a reliable witness, the employee he shall promptly prepare a disciplinary report.
- However, if the infraction is one of those listed in the 400 series in Table C the employee may use discretion in regard to the preparation of a disciplinary report. If the employee determines that an oral reprimand will be sufficient to resolve the situation, preparation of a disciplinary report is not necessary.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- d) The disciplinary report must be fully completed. The following information shall be provided to the extent known or available:
- 1) The name and register number of the committed person.
  - 2) The place, time, and date of the offense.
  - 3) The offense which the committed person is alleged to have committed.
  - 4) A written statement of the conduct observed.
  - 5) The names of committed persons, employees, and visitors who were witnesses. The identity of witnesses may be withheld for reasons of security provided a statement to that effect and the information the confidential source provided are included on the disciplinary report to the extent the information can be included without jeopardizing security.
  - 6) The signature of the reporting employee and the date and time the report is completed.
  - e) If a committed person is suspected of committing a disciplinary offense, an investigative disciplinary report, hereinafter referred to as an investigative report, may be issued which reasonably informs the committed person of the subject of the investigation to the extent that safety and security allow.

(Source: Amended at 22 Ill. Reg. 1806.1, effective January 1, 1980.)

## Section 504.430 Temporary Confinement

- a) The Chief Administrative Officer shall determine whether or not it is necessary to place the committed person in investigative status or in temporary confinement status pending a disciplinary hearing or a determination whether or not to issue a disciplinary or investigative report in accordance with Section 504.420. The Chief Administrative Officer shall also have the authority to release the committed person from temporary confinement. The decision to place a committed person in temporary confinement may be based, among other matters, on:

- 1) The aggressiveness of the committed person;
  - 2) The threat posed to the safety and security of the facility or any persons;
  - 3) The need to restrict the committed person's access to general population to protect the individual from injury or to conduct the investigation; or
  - 4) The seriousness of the offense.
- b) Committed persons may be confined in their rooms or living areas or in any other area designated by the Chief Administrative Officer.

(Source: Amended at 22 Ill. Reg. 1806.1, effective January 1, 1980.)

## Section 504.440 Review of Disciplinary Reports

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- a) The Chief Administrative Officer of each facility shall designate one or more reviewing officers.
- b) The reviewing officer shall review the decision to place a committed person in temporary confinement within 3 three days after of such placement, whenever possible, and may order release from or placement in temporary confinement. Among other matters, the factors listed in Section 504.430(a) may be considered. If a disciplinary or investigative report has not been written within 3 three days after of placement in temporary confinement, the reviewing officer shall inform the Chief Administrative Officer.
- c) A committed person who receives an investigative report shall be interviewed by the reviewing officer in order to permit the committed person an opportunity to present his or her views regarding placement in investigative status. The interview shall be conducted within 11 eight days after of initial placement in investigative status, whenever possible.
- 1) The reviewing officer shall recommend whether to continue placement of a committed person in investigative status. Among other matters, factors in Section 504.430(a) may be considered. The Chief Administrative Officer shall make the final determination.
  - 2) The committed person shall be informed of the decision and the decision shall be documented in writing.
  - 3) The committed person may be placed in investigative status for up to 30 days.
  - 4) If the investigation does not indicate that the committed person may be guilty of any disciplinary offense, placement in investigative status shall be terminated and the report shall be expunged from the committed person's records. A copy shall be maintained in an expungement file. This decision shall be made by the Chief Administrative Officer and shall be documented in writing.
  - 5) If, as a result of the investigation, it is necessary to amend or modify the original charges, the committed person shall be issued a revised disciplinary report.
  - 6) Upon completion of the investigation, the committed person shall appear before the Adjustment Committee for a hearing on the disciplinary report unless the report has been expunged.
  - 7) If a committed person is transferred from one facility to another while in confinement pending investigation, he shall be provided with an opportunity to present a defense at any subsequent disciplinary hearing held at the receiving facility which is comparable to that which would have been afforded in accordance with this Subpart at the sending facility.

17) In the event that an investigation cannot be completed within 30 days due to an institutional emergency, the Chief Administrative Officer may authorize in writing an extension of up to 30 days



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

placement in confinement pending investigation. As used in this Section an institutional emergency includes riots, strikes, lockdowns, and natural disasters.

§99 The Director may authorize, in writing, additional extensions of up to 30 days each if an institutional emergency prevents completion of the investigation within 60 days. The committed person shall be informed of the decision in writing.

d) The Reviewing Officer shall review each disciplinary report and determine whether:

1) The reported facts justify a disciplinary hearing. If not, the disciplinary report shall be expunged from the committed person's records. A copy shall be maintained in an expungement file.

2) The disciplinary report has been completed properly. If not, the Reviewing Officer shall make the necessary corrections or direct the reporting employee to make the corrections. The committed person shall be provided with a copy of the corrected report. In the event the corrected report contains new charges, the committed person shall be provided the corrected report at least 24 hours prior to the hearing; unless the committed person waives this notice in writing.

3) The offense is major or minor in nature. Major offenses shall be assigned to the Adjustment Committee for a hearing and minor offenses shall be assigned to the Program Unit for a hearing.

A) Aiding and abetting, soliciting, attempting to commit, conspiring to commit, or committing any offense listed in the 100, 200, or 500 series of Table E A shall be considered a major offense.

B) Those offenses listed in the 300 or 400 series or the aiding and abetting, soliciting, attempting to commit, or conspiring to commit any of these offenses shall be designated as major or minor based on the seriousness of the offense and the factors enumerated in Section 504.410(b).

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1998)

## Section 504.450 Adjustment Committee and Program Unit Composition

a) The Chief Administrative Officer shall appoint the Adjustment Committee, which shall be composed of at least 2 two members.

1) One member of the Adjustment Committee shall be designated by the Chief Administrative Officer as chairperson chairman.

2) One member of the Committee shall be a minority staff member.

b) The Program Unit shall be composed of a group of individuals appointed by the Chief Administrative Officer who shall serve as Hearing Officers. At least one member of the Unit shall be a minority staff member.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1998)

## Section 504.460 Adjustment Committee Hearing Procedures

a) The Adjustment Committee hearing shall be convened but need not be concluded within 14 eight-calendar days following the commission of the alleged offense or its discovery, whenever possible, unless the committed person has received a continuance or is unable or unavailable for any reason to participate in the hearing. For purposes of this Section, when an investigation has taken place, an offense is considered to be discovered upon the conclusion of the investigation. Inability to participate includes the absence of the committed person from the facility for any reason, or certification by health care staff that the committed person is unable to appear.

b) The committed person must receive written notice of the facts and charges being presented against him or her no less than 24 hours prior to the Adjustment Committee hearing. The committed person may waive the 24 hours advance notice. The waiver shall be in writing.

c) The committed person shall be informed before or at the hearing of information which would tend to show that the committed person was not guilty. If information is provided to him or her at the hearing, the committed person shall, upon request, be given a continuance.

d) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Adjustment Committee hearing that disciplinary report. A committed person who objects to a member of the Committee based on a lack of impartiality must raise the matter at the beginning of the hearing. The Committee shall document the basis of the objection and the decision in the Adjustment Committee summary.

e) A committed person may, upon written request and for good cause shown, be granted additional time to prepare his or her defense.

f) Any committed person charged with a violation of any rule being heard by the Adjustment Committee shall have the right to appear before and address the Committee. Any refusal to appear shall be documented and provided to the Committee. However, failure to appear before or address the Committee may be adversely construed against the individual by the Adjustment Committee.

1) The committed person may make any relevant statement or produce any relevant documents in his or her defense.

2) Prior to the hearing, the committed person may request that witnesses be interviewed. The request shall be in writing on the space provided in the disciplinary report and must include an explanation of what the witnesses would state. If the committed person fails to make the request in a timely manner before the hearing, the individual he may be granted a continuance for good cause shown.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- g) The Committee shall consider all material presented which is relevant to the issue of whether or not the committed person committed the offense.
- h) The Adjustment Committee shall may consider any statements of witnesses who may have relevant knowledge of the incident and who are reasonably available.

- 1) The Committee may interview witnesses and prepare or review summaries of their testimony prior to or at or subsequent to the hearing.
- 2) The committed person does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
- 3) A means shall be provided in each living unit for committed persons to submit witness request slips. The Committee may disapprove witness requests that are not received prior to the hearing.
- 4) Requests witnesses-requested by committed persons for witnesses may be denied excluded if their testimony would be, among other matters, irrelevant or cumulative or might jeopardize the safety of the a facility or disrupt security. If any witness is denied excluded, a written reason shall be provided.
- i) Committed persons shall not have the right to either retained or appointed counsel. A committed person may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.
- j) The Adjustment Committee shall decide whether or not the committed person committed the offense based upon all relevant information and the evidence it-admits-at-the-hearing.
  - 1) The Committee must be reasonably satisfied that there is some evidence that the committed person committed the offense for the individual him to be found guilty.
  - 2) Polygraph results may be considered but may not be the sole basis for finding the committed person guilty of the offense.
- k) The Adjustment Committee shall take one of the following actions based upon the evidence admitted:
  - 1) Find that the committed person did not commit the offense. In that case, the Committee shall order that the disciplinary report be dismissed and expunged from the committed person's records. A copy shall be maintained in an expungement file.
  - 2) Find that further investigation is necessary to determine if the committed person did or did not commit the offense and place the committed person in investigative status.
  - 3) Find that additional time is needed to obtain information

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- relative to the charge. The hearing may be continued for a reasonable time. However, unless the committed person is placed in investigative status, he or she may not be confined for more than 10 eight days from the date of placement in temporary confinement.
- 4) Find that the committed person did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee--and may recommend one or more of the following disciplinary actions:

- A) Reprimand the committed person.
- B) Suspend or restrict one or more privileges of the committed person for a specific period of time.
- C) Reduce the committed person's level.
- D) Change the committed person's program.
- E) Require the committed person to make restitution.
- F) Revoke the committed person's statutory good time or good conduct credits.
- G) Revoke the committed person from the facility and transfer the individual him to a reception and classification center. If revocation is recommended, the Committee may also recommend reduction in grade and placement in segregation.
- H) Require forfeiture of items of contraband used in the offense or possessed in violation of this Part. If the committed person is revoked from the facility--the Adjustment Committee--shall consider making any of the following recommendations:
  - i) Reduction in grade.
  - ii) Placement in grade.
  - iii) Revocation of statutory good time--or good conduct credit.
- I) Restrict access to clothing, bedding, toilets, washbowls, and showers if related to abuse of that privilege. Restrictions must be personally reviewed and approved every 3 days by the Chief Administrative Officer or above.
- J) A written record shall be prepared and signed by all members of the Committee which contains:
  - 1) A summary of oral and written statements and other evidence presented.
  - A) The Committee may consider information from confidential sources if:
    - i) it finds that his or her identity must be withheld for reasons of security; and
    - ii) The information is reliable.
  - B) Reliability may be established by one of the following:
    - i) The investigating officer has indicated, in writing or by his or her appearance before the Adjustment Committee, the truth of his or her report containing confidential information.



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- ii) Corroborating testimony such as statements from other sources or polygraph results; or
- iii) A statement by a member of the Adjustment Committee or an oral or written statement to the Adjustment Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.
- c) If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.
- 2) If the Committee members find that the committed person committed the offense, they shall provide a statement as to their reasons for the finding. If exonerating evidence is presented and disregarded, the Committee may state the basis for disregarding the evidence.
- 3) The disposition of the hearing and the disciplinary action recommended, and the reasons for recommending the disciplinary action taken.
- m) This Part shall in no way be construed to restrict or limit the Department's ability to administratively change a committed person's job, educational, program, or housing assignment or to transfer the committed person to another facility.
- n) If the safety or security of the facility or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or security concerns.
- o) If the committed person is found guilty, the individual shall be informed of the opportunity to appeal through the grievance procedures as established in 20 Ill. Adm. Code 504 Subpart F.
- p) A copy of the disciplinary report and Adjustment Committee summary shall be forwarded to the Chief Administrative Officer for review and approval within a reasonable period of time. A copy shall be filed in the committed person's facility file and a copy shall be sent to the record office of the parent institution in the Adult Division for inclusion in the committed person's master record file. The committed person shall be given a copy of the Adjustment Committee summary.
- q) The Chief Administrative Officer shall review all Adjustment Committee dispositions and written records. The Director shall review all Adjustment Committee dispositions and written records when it has been recommended that the committed person lose statutory good time or good conduct credits.
- 1) The Director or the Chief Administrative Officer may take the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## following actions:

- A) Confirm the recommendation disposition in whole or in part.
- B) Order additional or new proceedings.
- C) Suspend or overturn the recommendation disposition.
- D) Offer the committed person a work assignment, which, if accepted and satisfactorily completed, will result in reduction of original disciplinary sanctions.
- 2) The Director or the Chief Administrative Officer shall not increase the sanctions recommended by the Adjustment Committee imposed, but may reduce them. The committed person shall be sent a copy of any modification to the Adjustment Committee recommendations receive a copy of this review.

(Source: Amended 22 Ill. Reg. 100, effective

JAN 11 1993)

## Section 504.470 New or Additional Proceedings

- a) The Director or the Chief Administrative Officer shall may remand the decision to the Adjustment Committee for new proceedings if the proceedings are found to be defective due to:
- 1) Inadequate notice, including failure to state the correct date of the offense on the disciplinary report or failure to provide the committed person with a 24-hour notice of the hearing, and notice was not waived;
  - 2) Lack of impartiality of the Adjustment Committee;
  - 3) Improper exclusion of witnesses.
- 4) Failure to provide exonerating information to the committed person prior to the hearing.
- b) New or additional proceedings may be ordered in other circumstances, as determined by the Director or Chief Administrative Officer.
- 1) The committed person shall be provided with notice of a rehearing within a reasonable time after the Chief Administrative Officer's decision or the facility's receipt of the decision. The rehearing shall commence within 14 days after the Chief Administrative Officer's decision or the facility's receipt of the decision, whenever possible.
  - 3) The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.
- c) The Director or the Chief Administrative Officer may remand the decision to the Adjustment Committee for additional documentation, correction, or clarification of the Adjustment Committee summary, including the statement of reasons for excluding witnesses, the basis for the finding of guilt and imposition or the choice of sanctions or the failure to specify reasons for finding a confidential informant to be reliable.
- 1) The committed person shall not have the right to a new hearing, but shall be notified of the decision.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 2) After the Adjustment Committee has amended its summary, it shall be forwarded to the Chief Administrative Officer and then to the Directory in accordance with the procedures applicable to review of the original disposition hearing.
- d) Upon remand, sanctions greater than those imposed at the original hearing shall not be permitted, unless the committed person is charged with a different offense which provides for a greater penalty than provided for under the original charge or new evidence is produced which was not available at the original hearing and justifies the imposition of greater punishment. However, this does not prohibit the committed person from being found guilty and disciplined on remand when the Adjustment Committee had erroneously dismissed the disciplinary report on procedural grounds.

(Source: Amended 1248, effective JAN 11 1986) 22 Ill. Reg. 1248

## Section 504.480 Program Unit Hearing Procedures

- a) The Program Unit hearing shall be convened, but need not be concluded, within 14 ~~eight-calendar~~ days after the commission of the offense or its discovery, whenever possible, unless the committed person is unable to participate in the hearing.
- b) The committed person shall receive written notice of the facts and charges being presented against him or her prior to the hearing.
- c) Any person who initiated the allegations which serve as the basis for the disciplinary report, or who conducted a formal investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not conduct a hearing on that report.
- d) The hearing may be continued to obtain additional information or upon the committed person's request and for good cause shown.
- e) The committed person shall have the right to appear before and address the Program Unit.
- f) The Program Unit Hearing Officer may call witnesses and review any information relevant to the charge.
- g) The committed person shall not have the right to retained or appointed counsel. The committed person may request the assistance of a staff member in the preparation of his or her defense if the individual he is illiterate or does not speak English or when other circumstances exist which preclude the individual from adequately preparing his or her defense.
- h) The Program Unit Hearing Officer may return a disciplinary report to the Chief Administrative Officer with a recommendation for a hearing before the Adjustment Committee. The factors listed in Section 504.440(d)(3) shall be considered when making this determination.
- 1) If approved by the Chief Administrative Officer, a hearing before the Adjustment Committee shall commence within 14 ~~eight-calendar~~ days after the approval, whenever possible.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 2) If not approved, the disciplinary report shall be referred back for a hearing before the Program Unit which shall commence within 14 ~~eight-calendar~~ days after the date of the decision not to approve the recommendation, whenever possible approval.
- i) The Program Unit Hearing Officer may take any of the actions authorized in Section 504.460(k) of this Part except that the Officer he may not recommend revocation of the committed person from the center or revocation of good time.
- j) A record shall be signed by the Hearing Officer which contains a summary of oral and written statements and other evidence presented, the decision, and the disciplinary action recommended.
- k) The summary shall be processed in accordance with Sections 504.460(p) and (q) and 504.470 of this Part.

(Source: Amended 1248, effective JAN 11 1986) 22 Ill. Reg. 1248

## Section 504.490 Computation of Penalty for Multiple Offenses

- a) When the committed person has been found in violation of more than one offense arising from a single incident, the maximum penalty shall not exceed the maximum penalty for the most serious offense the individual he was found to have committed.
- b) When the committed person has been found in violation of more than one offense arising from separate incidents, the maximum penalty for each offense may be imposed, and such penalties shall run consecutively. For example, a committed person who is found guilty of assaulting several persons within a short period of time has committed multiple offenses which would be punishable consecutively.

(Source: Amended 1248, effective JAN 11 1986) 22 Ill. Reg. 1248

## Section 504.500 Restitution Procedures

- a) The Adjustment Committee or Program Unit may recommend that the committed person make restitution in any amount not to exceed actual out-of-pocket expenses or loss caused by the conduct of the committed person. The Adjustment Committee or Program Unit shall document determine the amount and the conditions of payment.
- b) If the Adjustment Committee or Program Unit determines that restitution for damage to property or person is appropriate, it shall ask the committed person to authorize disbursement from his or her trust fund or from any other account.
- 1) If the committed person agrees to make restitution, he or she shall sign an authorization for disbursement of funds either to the State or designated person.
- 2) If the committed person refuses to authorize disbursement of his

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

or her current funds or future earnings in accordance with the Adjustment Committee's or Program Unit's recommendation, the Adjustment Committee or Program Unit may recommend that a hold be placed on the individual's his account for such amount, and may further recommend that his or her expenditures or ~~and/or~~ earnings be suspended in whole or in part for a definite period of time. However, the committed person shall be permitted to retain a sufficient amount of funds to purchase basic personal hygiene items if such items are not provided by the facility.

- c) The Adjustment Committee or Program Unit may consider the committed person's willingness to make restitution in imposing any other disciplinary sanctions.
- d) A committed person shall not be subjected to greater punishment because he or she is without funds and therefore unable to make restitution.
- e) In the event a committed person is released prior to full payment of restitution, arrangements shall be made for payment of the balance of the authorized restitution. If the committed person did not authorize restitution, all of a portion of the grant money provided for in 20 Ill. Adm. Code 502.320 may be suspended.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1996)

## Section 504.510 Restoration of Good Time

Good time which has been revoked may be restored in accordance with 20 Ill. Adm. Code 107.160. In cases where a committed person has lost 90 days or more of good time, automatic consideration for the restoration of that good time which was revoked shall be given after 120 days if within that time period the committed person has not been found guilty of one major disciplinary report or three minor reports.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1996)

## SUBPART D: SEGREGATION, INVESTIGATIVE CONFINEMENT AND ADMINISTRATIVE DETENTION -- ADULT

## Section 504.605 Responsibilities

- a) Unless otherwise specified, the Director, Assistant Deputy Director, or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director, Assistant Deputy Director, or Chief Administrative Officer shall personally perform the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

duties. However, the Director, Assistant Deputy Director, or Chief Administrative Officer may designate another person or persons to perform the duties during periods of their his temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1996)

## Section 504.610 Placement in Segregation Status Confinement

- a) In accordance with this Part, committed persons may be confined in segregation areas on segregation status. Segregation status includes:

- 1) Temporary confinement pending a disciplinary hearing or investigation;
  - 2) Disciplinary segregation resulting from a disciplinary hearing; or
  - 3) Administrative detention.
- b) Committed persons on segregation status shall may be confined in segregation areas. Segregation areas include the segregation unit of any cell, living area, of their cells or living areas, in the segregation area or in any other area designated by the Chief Administrative Officer to house committed persons who are in segregation status.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1996)

## Section 504.620 Segregation Standards

Standards for living conditions in segregation areas shall include the following provisions:

- a) Single-celling shall be provided except in those cases in which adequate facilities are not available for all persons assigned to segregation. Double celling shall be permitted only upon approval of the Chief Administrative Officer. Prior to assigning committed persons to a double cell, a review shall be conducted to determine whether there are reasons why the committed persons should not be double celled. Medical and mental health concerns shall be considered in making this determination.
- b) Minimally, each cell shall be furnished with:
  - 1) A bed for each committed person securely fastened to the cell;
  - 2) Clean bedding, including a mattress, blanket, sheets, pillow, and pillow case for each committed person;
  - 3) A wash basin with running water and flushable toilet facilities (controls may be located outside the cell); and
  - 4) Adequate lighting for reading and observation purposes.
- c) Segregation cells shall be located at or above ground level and have heat and ventilation consistent with the climate.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- d) Each cell shall have a single door and a food passage. Any solid cell door shall have a vision panel when only a solid door is available; it shall be provided with a vision panel or shall be designed to permit observation.
- e) The use of physical restraints to confine the committed person's movements within the cell shall generally be prohibited unless the Chief Administrative Officer has determined such restraints are necessary to protect any person or property and the appropriate Assistant Deputy Director concurs.
- f) Cleaning materials shall be made available on a regular basis.
- g) Personal health and hygiene needs of the committed person shall be permitted as follows:
- 1) A shower and shave no less than once per week.
  - 2) State issued toilet tissue, soap, towel, toothbrush, and toothpaste for daily use if the committed person has insufficient commissary funds to purchase these items.
  - 3) A weekly exchange of clean institutional clothes or availability of laundry services at least weekly.
  - 4) False teeth, eye glasses, and other essential items of personal hygiene and health shall be permitted unless they are a threat to safety or security.
- h) Committed persons in segregation status shall be permitted the same personal property as approved by the Chief Administrative Officer except for property prohibited by as-allowed-those-in-the-general-population-except-as-noted-in 20 Ill. Adm. Code 535 or as-ordered-by the-Chief-Administrative-Officer-for-safety-and-security-reasons.
- i) Commissary privileges comparable to those applicable to the general population shall be allowed, according to grade (Section 504.130), except for restrictions on certain items which may be ordered by the Chief Administrative Officer for safety and security reasons or for other legitimate penological reasons.
- j) Persons in segregation status shall receive nutritionally adequate food comparable to that provided to the general population.
- k) Visits shall be permitted in accordance with 20 Ill. Adm. Code 525 Subpart A according to grade (Section 504.130).
- l) Medical personnel shall visit the segregation unit daily to screen requests for medical attention, and a physician shall visit the unit on a weekly basis.
- m) A chaplain designated by the Chief Administrative Officer shall visit the segregation area on a daily basis when a chaplain is present on institutional grounds, when possible, but not less than once a week.
- n) Each committed person in segregation status shall be contacted by a correctional counselor at least once every 30 days.
- o) Continued involvement in programs may be permitted on an individual basis-by-grade on approval of the Chief Administrative Officer.
- p) Committed persons shall be afforded the opportunity for a minimum-of one-hour exercise outside their cells in accordance with Section 504.670. per-week-However-out-of-cell-exercise-may-be-temporarily

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- restricted-or-suspended-unless-medically-contraindicated-if-the-Chief-Administrative-Officer-determines-the-activity-to-be-a-threat-to-the-safety-and-security-of-the-facility-or-any-person
- q) Committed persons who are not in "C" grade shall be permitted to make one collect telephone call per month for a period of no more than 15 minutes.
- r) Committed persons in segregation status shall have the same mail privileges as those provided for persons in the general population (20 Ill. Adm. Code 525 Subpart B).
- s) Committed persons in segregation status shall be permitted reading materials and shall have access to materials from the facility library and legal library. Physical access to the library need not be provided.
- t) Any equipment, personal property, or material provided or allowed in the cell of a committed person in segregation status, in accordance with this Subpart, may be removed or restricted as approved by the Chief Administrative Officer if the committed person destroys, damages, or abuses it in a manner that jeopardizes the safety of any person or disrupts institutional safety of the facility or order.

(Source: Amended at 22 Ill. Reg. 1200.0, effective JAN 11 1990)

## Section 504.630 Investigative Confinement

Committed persons placed in confinement pending completion of an investigation shall be provided with the same conditions and services as those required for the segregation area unit.

(Source: Amended at 22 Ill. Reg. 1200.0, effective JAN 11 1990)

## Section 504.650 Confinement in Control Segregation (Repealed)

- a) A committed person who manifests violent, bizarre or self-destructive behavior while assigned to the segregation unit and who has not been determined to be mentally ill may be placed in control segregation on the order of the Chief Administrative Officer.
- b) Prior to placement in control segregation, the committed person's case shall be discussed with a Department physician to ensure that there are no medical contraindications to such placement.
- 2) The committed person shall be examined by a Department physician within 24 hours following placement in a control segregation cell.
- b) A committed person may be confined to control segregation for a single incident for no more than two consecutive three-day periods.
- 1) At the end of the initial three-day period, the committed person's behavior while in control segregation shall be reviewed



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

by--the Chief Administrative Officer--if the decision is made to continue the placement for an additional three-day period--the Chief Administrative Officer shall provide a written statement of the reasons for the decision.

- 2) When a committed person is removed from a control cell his medical and psychiatric condition shall be reviewed by medical personnel;
- 3) Once removed from a control cell the committed person may not be reconfined in control segregation for 24 hours;
- e) The following conditions shall apply to control segregation:

- 1) Single celling shall be afforded;
- 2) Cells may be removed and isolated from the regular segregation unit--Cell fronts may be screened or partially covered, but food and vision panels shall be provided;
- 3) Cells shall be equipped as outlined in Section 504.620(b) and (c);
- 4) Committed persons shall have one act of regular institution clothing and shall have access to essentials for personal hygiene and health;
- 5) Personal property shall be restricted to personally legal papers and commissary items which do not pose a threat to the safety of the committed person, employees or others--Any equipment or material provided or allowed in a control segregation cell may be removed or restricted if the committed person abuses its use or if the item is considered a threat to the safety of the committed person, employees or others;
- 6) Counseling, food, clothing, chaplaincy, services, library material and other services shall be provided at the cell location consistent with needs, behavior and security;
- 7) Committed persons in control segregation may not participate in activities outside the cell;
- 8) Medical services shall be provided at or outside the cell as determined necessary by medical personnel;
- 9) Committed persons in control segregation shall be visually checked no less frequently than every half hour and a log shall be maintained;

(Source: Repealed at 22 Ill. Reg. 1206, effective JAN 11 1988)

## Section 504.660 Administrative Detention

Administrative detention is a nondisciplinary status of confinement which removes a committed person from general population or restricts the individual's access to general population. Committed persons may be confined in their cells, living areas, in the segregation area or in any other area designated by the Chief Administrative Officer.

- a) The Chief Administrative Officer may personally, with the approval of

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

the Director, Deputy Director, or Assistant Deputy Director, place a committed person in administrative detention for up to 90 days.

- b) In determining whether to place a committed person in administrative detention, the Chief Administrative Officer may consider, among other matters:

- 1) The seriousness of the offense;
  - 2) The safety and security of the facility or any person;
  - 3) The committed person's behavioral and disciplinary history;
  - 4) Reports and recommendations concerning the committed person;
  - 5) The interview and any submissions of relevant material and information; the feasibility of a transfer to another facility (sec-20-111-Adm-code-503);
  - 6) Institutional order; and
  - 7) Other legitimate penological interests.
- c) The Chief Administrative Officer shall review the record of each committed person in administrative detention every 90 days to determine whether continued placement is appropriate. The Director, Deputy Director, or Assistant Deputy Director may authorize additional extensions of administrative detention of up to 90 days each, in determining whether to authorize an extension--the Director may consider among other matters, the factors enumerated in subsection (b) above.
- d) The committed person need not be interviewed during these reviews.
- e) The Chief Administrative Officer shall document the decision in writing.
- f) The Chief Administrative Officer shall personally review the status of each committed person confined in administrative detention periodically but no less frequently than once every 30 days.
- g) Living conditions in administrative detention shall meet, at minimum, the standards set forth in Section 504.620. Telephone privileges shall be afforded in accordance with 20 Ill. Adm. Code 525.150.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1988)

## Section 504.670 Recreation for Persons in Segregation Status

- a) The Chief Administrative Officer shall determine the number of hours a week committed persons in segregation status may recreate outside their cells, unless restricted by the Chief Administrative Officer in accordance with this Section:

- 1) Committed persons in segregation status for less than 90 consecutive days shall be afforded the opportunity to recreate outside their cells for a minimum of one hour per week.
- 2) Committed persons who have been in segregation status for 90 consecutive days or more shall be afforded the opportunity to recreate outside their cells for a minimum of five hours per

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- week.
- b) Unless medically contraindicated, out of cell recreation may be temporarily restricted or suspended if the Chief Administrative Officer determines the activity to be a threat to the safety and security of the facility or any person. For example:
    - 1) Committed persons who are in segregation status and who are also under investigation may have their recreational opportunities restricted during the pendency of the investigation for a period not to exceed 90 days.
    - 2) Committed persons may have their recreation restricted or limited due to a medical or mental health condition as determined necessary by a health care professional.
    - 3) Committed persons who have been witnesses in criminal cases against other inmates, who are informants, or who otherwise require precautions to ensure their protection may have their recreational opportunities restricted.
    - 4) Committed persons who are classified as high escape risks may have their recreational opportunities restricted.
  - c) Committed persons who are found guilty under 20 Ill. Adm. Code 504 Subpart A of:
    - 1) A violation of state or federal laws, or committing assault, dangerous contraband, dangerous disturbance, escape, sexual misconduct, arson, damage or misuse of property, or aiding or abetting, attempting, soliciting, or conspiring to commit any of those offenses while in segregation status may be:
      - A) Restricted from recreational opportunities for up to 90 days for the first offense, and
      - B) Restricted from recreational opportunities for up to 90 days or indefinitely placed on limited recreation or both for the second and subsequent offenses.
    - 2) Any other major rule infraction which is yard-related and which was committed while the committed person was in segregation status may be restricted for up to 90 days for the first offense and up to 90 days for each subsequent major offense.
    - 3) A minor disciplinary offense which is yard-related and which was committed while the committed person was in segregation status may be restricted for up to 15 days for the first offense and up to 30 days for each subsequent offense.
  - d) The period of restriction imposed under subsection (c) of this Section shall be served consecutive to the initial 90-day placement in segregation status and consecutive to any previously imposed recreational restrictions. This shall not limit the ability to restrict recreational opportunities for committed persons who have not served 90 consecutive days in segregation.
  - e) Restrictions on recreational opportunities shall be documented, including the types, length, and reason for the restriction. A copy of the documentation shall be maintained by the facility, a copy shall be placed in the committed person's master record file, and a copy

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- f) shall be given to the committed person.
- g) Committed persons whose recreational opportunities have been restricted or limited may have the determination in accordance with 20 Ill. Adm. Code 504 Subpart F.
- h) Recreational opportunities shall not be required during institutional lockdowns or during institutional emergencies, including, but not limited to, riots, strikes, fires, work stoppages, power outages, and natural disasters.

(Source: Added 22 Ill. Reg. 1206, effective JAN 11 1990)

## SUBPART E: CONFINEMENT PROCEDURES -- JUVENILE

## Section 504.715 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended 1988 22 Ill. Reg. 1206, effective JAN 11 1990)

## Section 504.720 Placement in Confinement

- a) Confinement may be imposed only under the following conditions:
  - 1) When a committed person has committed or is under investigation for commission of a rule violation, as defined in Section 504.220;
  - 2) When the behavior of the committed person poses a serious threat to his or her own or others' safety, or the security of the facility; or
  - 3) When a committed person is awaiting transfer to a more secure setting.
- b) Committed persons may be confined in their rooms or living areas or in any other area designated by the Chief Administrative Officer.

(Source: Amended 1988 22 Ill. Reg. 1206, effective JAN 11 1990)

## Section 504.730 Confinement Procedures



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- a) A committed person confined to his or her room for 24 hours or more shall be interviewed daily by his or her counselor or any other staff member approved by the Chief Administrative Officer.
- b) Confinement may not exceed 7 consecutive days or 15 days in any 30 day period except in cases of violence or attempted violence against another person, assault or attempted assault of a person, or damage or attempted damage of property. Under such circumstances, an additional period of confinement may be ordered by the Chief Administrative Officer.
- c) Medical staff and the shift supervisor shall be notified of all confinement placements. Any medical complaint registered by all committed person while in confinement shall be reported immediately to the medical staff, if on duty, or to the shift supervisor who shall contact a member of the medical staff immediately.
- d) Visual checks shall be made of all committed persons in confinement no less than every 15 minutes and shall be documented.
- e) Use of physical restraints on committed persons in confinement must comply with 20 Ill. Adm. Code 501. Subpart B.
- f) Committed persons in confinement shall be provided time outside the room for daily showers, personal grooming, and recreation.
- 1) Persons confined for more than 24 hours shall be provided a minimum of 2 1/4 hours outside the room for every 24-hour period, whenever possible.
- 2) Time outside a confinement room may be restricted on orders of the Chief Administrative Officer when release of the committed person poses a threat to the safety of the individual himself or others or to the security of the facility.
- g) Committed persons in confinement shall be permitted to have family, attorney, and clergy visits. Family and clergy visits may be restricted by order of the Chief Administrative Officer when the committed person poses a threat to the physical safety of the individual himself or others or to the security of the facility.
- h) Reading materials shall be provided to the committed person for use in the room; provided they are not abused. Committed persons shall be provided access to writing materials daily, outside the room. Any abuse of reading or writing materials must be documented on a disciplinary report and may result in temporary restriction except for communication to counsel or the court.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1998)

## SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

## Section 504.800 Applicability

This Subpart applies to committed persons assigned to correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## of Corrections.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1998)

## Section 504.805 Responsibilities

- a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 01 1998)

## Section 504.810 Filing of Grievances

- a) A committed person shall first attempt to resolve incidents, problems, or complaints other than complaints concerning disciplinary proceedings through his or her counselor. If a committed person is unable to resolve the complaint informally or if the complaint concerns a disciplinary proceeding, the individual may file a written grievance on a grievance form which shall be made available in all living units. A grievance shall be filed within 60 days after the discovery of the incident, occurrence, or problem which gives rise to the grievance or within 60 days after the receipt of a decision concerning an informal resolution thereof. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. The grievance procedure shall not be utilized for complaints regarding decisions which are outside the authority of the Department such as parole decisions, clemency, or orders regarding length of sentence or decisions which have been rendered by the Director.
- b) The grievance form shall be addressed to the Grievance Officer and shall be deposited in the living unit mailbox or other designated repository.
- c) Staff assistance shall be available for those committed persons who cannot prepare their grievances unaided as determined by institutional staff.
- 1) All committed persons shall be entitled to file grievances ~~invoke the grievance procedure~~ regardless of their disciplinary status or classification.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

- 2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to committed persons who are impaired, or disabled, or unable to communicate in the English language.

d) Committed persons shall be informed of the grievance procedure at the admitting facility and may request further information regarding the procedure from their counselors.

- 1) The written procedure shall be available to all committed persons.

2) A committed person unable to speak or read the English language may request that the procedure be explained in the individual's his own language.

e) Disciplinary action or reprisals may not be taken against a committed person solely for using the grievance procedure. A committed person may submit a grievance alleging that a reprisal has been made against him or her.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1983.)

## Section 504.820 Grievance Officer

a) The Chief Administrative Officer shall appoint 2 two or more employees who may serve as a Grievance Officer to attempt to resolve problems, complaints, and grievances which committed persons have been unable to resolve through routine channels.

b) No person who is directly involved in the subject matter of the grievance or who is a member of the Adjustment Committee that which heard a disciplinary report concerning the grievance---or who is otherwise not impartial may serve as the Grievance Officer reviewing that particular case.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1983.)

## Section 504.830 Grievance Procedures

a) A Grievance Officer shall review grievances at least weekly, whenever possible, provided that one or more grievances have been filed.

b) The Grievance Officer shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make written recommendations to the Chief Administrative Officer for resolution of the grievance.

c) A committed person may be afforded an opportunity to appear before the Grievance Officer. The Officer may call witnesses as deemed he deems appropriate.

d) The Grievance Officer shall consider the grievance and report his or

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

her findings and recommendations in writing to the Chief Administrative Officer within 30 is-working days after the grievance is received by the Officer, whenever possible. The Chief Administrative Officer shall advise the committed person of the decision in writing within 15 is-working days after receiving the Officer's report, whenever possible.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1983.)

## Section 504.840 Emergency Procedures

A committed person may request a grievance be handled on an emergency basis by forwarding the forward--a grievance directly to the Chief Administrative Officer.

a) If the Chief Administrative Officer determines that there is a substantial risk of imminent personal injury or other serious or irreparable harm to the committed person, the grievance shall be handled on an emergency basis.

b) The Chief Administrative Officer shall respond to the committed person within 3 three days after of receipt of the grievance, whenever possible, indicating what action shall be or has been taken.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 1 1983.)

## Section 504.850 Appeals

a) If, after receiving the response of the Chief Administrative Officer, the committed person still feels that the problem, complaint or grievance has not been resolved to his or her satisfaction, he or she may appeal in writing to the Director within 30 days after of receipt of the response. Copies of the Grievance Officer's report and the Chief Administrative Officer's decision should be attached.

b) The Director shall review the grievance and the responses of the Grievance Officer and Chief Administrative Officer and shall determine whether the grievance requires a hearing before the Administrative Review Board. If it is determined that the grievance is without merit or can be resolved without a hearing, the committed person shall be advised of this disposition, in writing, within 60 90--working days after of receipt of the grievance, whenever possible.

c) A two-member Administrative Review Board shall be appointed by the Director. At least one member of the Board shall be an individual not employed by the Department, whenever possible. The Department member shall be designated as chairperson chairman.

d) The Administrative Review Board shall meet as frequently as necessary and may schedule hearings on grievances. The Board may call witnesses or examine records at its discretion.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

e) The Administrative Review Board shall submit to the Director a written report of its findings and recommendations within 60 30--working days after receipt of the grievance, whenever possible.

f) The Director shall review the findings and recommendations of the Board and make a final determination of the grievance within 15 10 working days after receipt of the Board's report, whenever possible. The committed person shall be sent a copy of the Director's decision.

g) In those instances where a committed person is appealing a grievance determined by the Chief Administrative Officer to be of an emergency nature, the Administrative Review Board shall submit its recommendation within 21 days after receipt of the grievance, whenever possible.

(Source: Amended 22 Ill. Reg. 1266, effective JAN 1 1986)

## Section 504.860 Records

a) Records regarding the filing and disposition of grievances shall be collected and maintained in the committed person's master file by the institution for at least three years following final disposition of the grievance.

b) Records regarding the participation of a committed person during the grievance process shall be handled in a manner designed to protect confidentiality as determined by the Chief Administrative Officer.

(Source: Amended 22 Ill. Reg. 1266, effective JAN 1 1986)

## Section 504.870 Direct Review by Administrative Review Board

a) Committed persons shall submit grievances directly to the Administrative Review Board when receiving:

- 1) Decisions regarding protective custody placement, including continued placement in or release from protective custody.
- 2) Decisions regarding disciplinary proceedings which were made at a facility other than the facility where the committed person is currently assigned.
- 3) Other issues except personal property issues which pertain to a facility other than the facility where the committed person is currently assigned.

b) The Administrative Review Board shall submit its recommendation within 30 days after receipt of the grievance, whenever possible. A committed person giving a decision to retain or release him from protective custody placement shall submit his grievance directly to the Administrative Review Board. The Administrative Review Board shall submit its recommendation within 21 days of receipt of the

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

grievance, whenever possible:

(Source: Amended at 22 Ill. Reg. 1266, effective JAN 1 1986)

## SUPPORT G: GRIEVANCE PROCEDURES FOR RELEASEES

## Section 504.910 Responsibilities

a) Unless otherwise specified, the Director or Parole Supervisor may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or Parole Supervisor shall personally perform the duties. However, the Director or Parole Supervisor may designate another person or persons to perform the duties during periods of his or her temporary absence or in an emergency.

(Source: Amended at 22 Ill. Reg. 1266, effective JAN 1 1986)

## Section 504.920 Filing of Grievances

Releasees who have been unable to resolve complaints or problems through parole staff or through the Office of Advocacy Services may file a written grievance with the Parole Supervisor. A grievance shall be filed within 6 six months after the discovery of the incident, occurrence, or problem which gives rise to the grievance or within 6 six months after the receipt of an unsuccessful attempt to resolve the issue. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. Complaints or problems regarding the revocation of release status, clemency, or orders regarding the length of sentence or decisions that have been rendered by the Director are not reviewable under this procedure.

(Source: Amended 22 Ill. Reg. 1266, effective JAN 1 1986)

## Section 504.930 Review of Grievances

- a) The Parole Supervisor shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make written recommendations to the Parole Supervisor for resolution of the grievance.
- b) The Parole Supervisor shall interview the releasee and shall evaluate and respond to the grievance in writing within 30 10--working days

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

after of receipt, whenever possible. Copies of the grievance and response shall be retained in the releasee's case file.

(Source: Amended 1983 22 Ill. Reg. 4806, effective \_\_\_\_\_)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## Section 504. TABLE A Offenses and Maximum Penalties --- Adult Division

## OFFENSE

## MAXIMUM PENALTIES

	Loss of Privileges	Maximum time-in B or C Grade	Maximum Good time Revocation	Maximum time-in Segregation	Maximum Indeterminate
100. VIOLENT ASSAULT OF ANY PERSON	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>	<u>1 year</u>	<u>Indeterminate</u>

Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner which results in or is likely to result in serious bodily injury.

## 101. ARSON

1 year

1 year

1 year

1 year

Definition: Setting fire in any location whether public or private, including but not limited to any part of the institution, its grounds, or State vehicles.

## 102. ASSAULTING ANY PERSON

1 year

1 year

1 year

1 year

Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner, or fighting with a weapon.

## 103. BRIBERY &amp; EXTORTION

1 year

1 year

1 year

1 year

Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure, giving or receiving money or anything of value to violate State or Federal law or to commit any act prohibited under this Part regulation.

## 104. DANGEROUS CONTRABAND

1 year

1 year

1 year

1 year

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, or cutting tools, tools which may be used to defeat security measures such as hacksaw blades, keys, and lock picks, any other dangerous or deadly weapon or substance of like character, or

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

Loss of Privileges	MAXIMUM PENALTIES		
	Maximum time-in Good Time	Maximum time-in Segrega- tion	
B or C Grade	1 year	1 year	

any object or instrument which is made to appear to be or could be used as a deadly or dangerous weapon or substance.

105. DANGEROUS  
DISTURBANCES

Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

## 106. ESCAPE

Definition: Leaving or failing to return to lawful custody without authorization, including the failure to return from furlough within two hours of the designated time.

107. SEXUAL  
MISCONDUCT

Definition: Engaging in sexual intercourse, deviate sexual conduct, or gesturing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

108. SEXUAL  
ASSAULT

Definition: Causing unwilling contact between the sex organ of one person and the sex organ, mouth, or anus of another person or any intrusion of any part of the body of one person or object into the sex organ or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

109. ELECTRONIC  
CONTRABAND

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within 2 hours after request or destroying or tampering with drug or alcohol tests or testing equipment. This offense section includes medication misuse, for example, the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

Loss of Privileges	MAXIMUM PENALTIES		
	Maximum time-in Good Time	Maximum time-in Segrega- tion	
B or C Grade	6 months	6 months	

Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic device, video recording device, computer, or cellular communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

201. CONCEALMENT  
OF IDENTITY

Definition: Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity.

202. DAMAGE OR  
MISUSE OF PROPERTY

Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State or property of another person, or entity, including the obstruction of locks or security devices, destroying or tampering with bar codes or identification cards, or the use of another person's identification card.

203. DRUGS AND  
DRUG

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within 2 hours after request or destroying or tampering with drug or alcohol tests or testing equipment. This offense section includes medication misuse, for example, the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

## 204. FORGERY

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within 2 hours after request or destroying or tampering with drug or alcohol tests or testing equipment. This offense section includes medication misuse, for example, the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.



DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

OFFENSE	MAXIMUM PENALTIES			
	Loss of Privileges	Maximum Time-in B or C Grade	Maximum Good Time Revocation	Maximum Time-in Segregation
205. <b>UNAUTHORIZED ORGANIZATIONAL ACTIVITY</b>  Definition: Forging, counterfeiting, or reproducing any document, article of identification, money, security, or official paper.  GANG OR UNAUTHORIZED ORGANIZATIONAL ACTIVITY  Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts; displaying, wearing, possessing, or using gang or unauthorized organizational insignia or materials; or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 145 or 450.	<u>1</u> year 6 months	<u>1</u> year 6 months	<u>1</u> year 6 months	<u>1</u> year 6 months
206. <b>INTIMIDATION OR THREATS</b>  Definition: Expressing by word, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.	<u>6</u> months	<u>6</u> months	<u>6</u> 3 months	<u>6</u> months
207. <b>POSSESSION OF MONEY</b>  Definition: Possessing or causing to be brought into the institution any United-States coin, or currency, or other negotiable instrument.	<u>6</u> months	<u>6</u> 4 months	<u>6</u> 2 months	<u>6</u> months 15-days
208. <b>DANGEROUS COMMUNICATIONS</b>  Definition: Engaging in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.	<u>6</u> months	<u>6</u> months	<u>6</u> months	<u>6</u> months

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

OFFENSE	MAXIMUM PENALTIES			
	Loss of Privileges	Maximum Time-in B or C Grade	Maximum Good Time Revocation	Maximum Time-in Segregation
209. <b>DANGEROUS WRITTEN MATERIAL</b>  Definition: Possessing or causing to be brought into the facility written material which presents a serious threat to the safety and security of persons or the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.	<u>6</u> months	<u>6</u> months	<u>6</u> months	<u>6</u> months
210. <b>IMPAIRMENT OF SURVEILLANCE</b>  Definition: Using curtains, cell coverings, or any other matter or object in a manner that obstructs or otherwise impairs the line of vision into a committed person's cell or which obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.	<u>1</u> month	<u>1</u> month	<u>1</u> month	<u>1</u> month
301. <b>FIGHTING</b>  Definition: Fighting Unauthorized--fighting with another consenting person which is not likely to cause serious bodily injury to one or the other and which does not involve the use of a weapon.	<u>1</u> month	<u>1</u> month	<u>1</u> month	<u>1</u> month
302. <b>GAMBLING</b>  Definition: Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participating in any lottery.	<u>2</u> months	<u>2</u> months	<u>1</u> month 15-days	<u>1</u> month
303. <b>GIVING FALSE INFORMATION TO AN EMPLOYEE</b>  Definition: Lying or knowingly providing false information to an employee.	<u>3</u> months	<u>3</u> months	<u>3</u> months 20-days	<u>3</u> months 15-days



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

OFFENSE	MAXIMUM PENALTIES			
	Loss of Privileges	Maximum Time-in B or C Grade	Maximum Good Time Revocation	Maximum Time-in Segregation
304. INSOLVENCE	3 months	3 months	1 month	1 month 15-days
Definition: Talking, touching, gesturing, or other behavior which harasses, annoys or shows disrespect.				
305. THEFT	6 months	6 months	3 months 1-month	3 months 1-month
Definition: Taking property belonging to another person or entity or the institution without the owner's authorization.				
306. TRANSFER OF FUNDS	3 months	3 months	3 months 1-month	3 months 1-month
Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.				
307. UNAUTHORIZED MOVEMENT	2 months	2 months	2 months 1-month	2 months 15-days
Definition: Being anywhere without authorization or being absent from where required to be.				
308. CONTRABAND/ UNAUTHORIZED PROPERTY	3 months	3 months	3 months 1-month	3 months 1-month
Definition: Possessing, giving, loaning, receiving, or using property which a committed person inmate has no authorization to have or to receive and which was not issued to the individual him through regular procedures, including the unauthorized possession of food or clothing or the possession of property in excess of that which is authorized by the institution or property which has been altered from its original state.				
309. PETITIONS, POSTINGS, AND	6 months	6 months	3 months	3 months

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

OFFENSE	MAXIMUM PENALTIES			
	Loss of Privileges	Maximum Time-in B or C Grade	Maximum Good Time Revocation	Maximum Time-in Segregation
BUSINESS VENTURES				
Definition: Writing, signing, or circulating a petition without authorization; unauthorized distribution or posting of any printed or written materials, including surveys; or engaging in an unauthorized business venture or representing oneself as a corporation or official of a corporation without authorization.				
404+ 310. ABUSE OF PRIVILEGES	3 months	3 months 9-days	3 months 15-days	3 months
Definition: Violating any rule regarding visits, mail, the library, yard, commissary, telephone, or recreational activities. This includes corresponding or communicating with a victim, a victim's family member, or other person after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal-offense-under federal or State law, a committed person may also be charged under #501.				
311. FAILURE TO SUBMIT TO MEDICAL OR FORENSIC TESTS	3 months	3 months	3 months	3 months
Definition: Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.				
407. HEALTH, SMOKING, OR SAFETY VIOLATIONS	3 months	3 months	3 months 9-days	3 months 15-days

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Loss of Privileges	Maximum time-in B or C Grade	Maximum Good Time	Maximum time-in Segregation
--------------------	------------------------------	-------------------	-----------------------------

Definition: Smoking in an unauthorized area; tattooing or body-ear-or nose piercing, including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, cell, living or work area, or other place in the facility or its grounds.

## 403. DISOBEDYING A DIRECT ORDER

3 months	3 months	3 months	3 months
----------	----------	----------	----------

Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing or testing for drug abuse; to accept a work, educational, or housing assignment; or to perform a work assignment.

## 404.

## VIOLATION OF RULES

1 month	1 month	1 month	1 month
---------	---------	---------	---------

Definition: Willfully disobeying any rule of the facility. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified in the disciplinary report.

## 405.

## FAILURE TO REPORT

1 month	1 month	1 month	1 month
---------	---------	---------	---------

Definition: Failure to report for a work, educational, or program assignment.

## 406.

## TRADING OR TRAFFICKING

2 months	2 months	1 month	1 month
----------	----------	---------	---------

Definition: Trading or trafficking with any employee--visitor--or committed person.

## 501.

## VIOLATING STATE OR FEDERAL LAWS

1 year	1 year	1 year	1 year
--------	--------	--------	--------

Definition: Committing any act which would constitute a violation of State or federal law. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The State or federal offense must be specified in the disciplinary

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Loss of Privileges	Maximum time-in B or C Grade	Maximum Good Time	Maximum time-in Segregation
--------------------	------------------------------	-------------------	-----------------------------

report.

## 601. AIDING AND ABETTING, ATTEMPT, SOLICITATION, OR CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended 22 Ill. Reg. 100 (6-7) effective

JAN 11 1990)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## Section 504. TABLE B Offenses and Maximum Penalties -- Juvenile Division

## OFFENSE

	Maximum time in loss of privileges	Maximum time in confinement	Maximum time in revocation	Maximum time in PRB
<b>100. VIOLENT ASSAULT OF ANY PERSON</b>	1 year	1 month	1 year	1 year
Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner which results in or is likely to result in serious bodily injury.				
<b>101. ARSON</b>	1 year	1 month	1 year	1 year
Definition: Setting fire in any location whether public or private, including but not limited to any part of the institution, its grounds, or State vehicles.				
<b>102. ASSAULTING ANY PERSON</b>	1 year	1 month	1 year	1 year
Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner or fighting with a weapon.				
<b>103. BRIBERY &amp; EXTORTION</b>	6 months	5 days	1 month	1 month
Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or Federal law or to commit any act prohibited under this Part registration.				
<b>104. DANGEROUS CONTRABAND</b>	2 months	1 month	1 year	1 year
Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, or cutting tools which may be used to				

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

	Maximum time in loss of privileges	Maximum time in confinement	Maximum time in revocation	Maximum time in PRB
<b>105. DANGEROUS DISTURBANCES</b>	6 months	1 month	1 year	1 year
Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.				
<b>106. ESCAPE/ RUNAWAY</b>	1 year	1 month	1 year	1 year
Definition: For escape of a felon or runaway of a juvenile delinquent, leaving or failing to return to lawful custody without authorization, including the failure to return from authorized absence within 2 hours after the designated time.				
<b>106r</b>	1 year	1 month	1 year	1 year
<b>106r</b>	3 months	7 days	1 year	1 year
Definitions: Ar For--a felony--leaving or failing to return to lawful custody--without authorization--including the failure to return from authorized absence within two hours of the designated time Br For--a juvenile--delinquency--leaving or failing to return to lawful custody--without authorization--including the failure to return--from authorized absence within two hours of the designated time				
<b>107. SEXUAL MISCONDUCT</b>	6 months	1 month	1 year	1 year

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum time in Loss of Privileges	Maximum time in Confinement	Maximum time in Good time Revocation	Maximum Delay in Recommended Parole to PRB
--	--------------------------------------	--	--

Definition: Engaging in sexual intercourse, deviate sexual conduct, or gesturing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

108. SEXUAL ASSAULT

Definition: Causa unwilling contact between the sex organ of one person and the sex organ, mouth, or anus of another person or any intrusion of any part of the body of one person or object into the sex organ or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

1 year 1 month 1 year 1 year

109. ELECTRONIC  
CONTRABAND

6 months 1 month 1 year 1 year

Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic device, video recording device, computer, or cellular communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

201. CONCEALMENT  
OF IDENTITY6 months 1 month 1 month 1 month  
5 days 5 days 5 days 5 days

Definition: Wearing a disguise or a mask, impersonating another, or otherwise concealing one's identity.

202. DAMAGE OR  
MISUSE OF  
PROPERTY1 month 1 month 1 month 1 month  
5 days 5 days 5 days 5 days

Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State, or property of another person, or entity, including the obstruction of locks or security devices, destroying or tampering with bar codes or identification cards, or using another person's identification card.

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum time in Loss of Privileges	Maximum time in Confinement	Maximum time in Good time Revocation	Maximum Delay in Recommended Parole to PRB
--	--------------------------------------	--	--

203. DRUGS AND  
DRUG  
PARAPHERNALIA2 months 1 month 3 months 3 months  
5 days 5 days

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana; or being under the influence of any of the above substances; refusing to be tested for drug or alcohol use, including failure to provide a specimen within 2 hours after the request or destroying or tampering with drug or alcohol tests or testing equipment. This offense section includes medication misuse, for example, or the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

204. FORGERY1 month 1 month 1 month 1 month  
5 days 5 days

Definition: Forging, counterfeiting, or reproducing without authorization any document, article of identification, money, or security, or official paper.

205. GANG OR  
UNAUTHORIZED  
ORGANIZATIONAL  
ACTIVITY2 months 1 month 6 months 6 months  
5 days 5 days

Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts, displaying, wearing, possessing, or using gang or unauthorized organizational insignia or materials; or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 445 and 450.

206. INTIMIDATION  
OR THREATS1 month 1 month 1 month 1 month  
5 days 5 days

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum time in Loss of Privileges	Maximum time in Confinement	Maximum time in Good Time Parole to PRB	Maximum Delay in Recommended Parole to PRB
--	--------------------------------------	--	--

Definition: Expressing by words, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.

207. POSSESSION OF MONEY 4 months 1 month 1 month 1 month

Definition: Possessing or causing to be brought into the institution any 7--United--States coin, or currency, or other negotiable instrument.

208. DANGEROUS COMMUNICATIONS 2 months 1 month 6 months 6 months

Definition: Engaging in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.

209. DANGEROUS WRITTEN MATERIAL 2 months 1 month 6 months 6 months

Definition: Possessing or causing to be brought into the facility written material which presents a serious threat to the safety and security of persons or the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.

210. IMPAIRMENT OF SURVEILLANCE 2 months 1 month 6 months 6 months

Definition: Using curtains, coverings, or any other matter or object in a manner that obstructs or otherwise impairs the line of vision into a committed person's room or which obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum time in Loss of Privileges	Maximum time in Confinement	Maximum time in Good Time Parole to PRB	Maximum Delay in Recommended Parole to PRB
--	--------------------------------------	--	--

301. FIGHTING 1 month 1 month 1 month 1 month

Definition: Fighting unauthorized--fighting with another consenting person which is not likely to cause serious bodily injury to one or the other and which does not involve the use of a weapon.

302. GAMBLING 1 month 2 days 1 month 1 month

Definition: Operating or playing a game of chance or skill for anything of value, making a bet upon the outcome of any event, or possessing any gambling device. This shall include participating in any lottery.

303. GIVING FALSE INFORMATION TO AN EMPLOYEE 1 month 7 days 6 months 6 months

Definition: Lying or knowingly providing false information to an employee.

304. INSOLENCE 1 month 7 days 1 month 1 month

Definition: Talking, touching, gesturing, or other behavior which harasses, annoys, or shows disrespect.

305. THEFT 2 months 5 days 32 months 32 months

Definition: Taking property belonging to another person or entity or the institution without the owner's authorization.

306. TRANSFER OF FUNDS 3 months 5 days 3 months 3 months

Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person inmate.

307. UNAUTHORIZED 1 month 52 days 1 month 1 month



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum Time Loss of Privileges	Maximum Time in Confinement	Maximum Good Time Revocation	Maximum Delay in Recommended Parole to PFB
--	--------------------------------------	------------------------------------	--

## MOVEMENT

Definition: Being anywhere without authorization or being absent from where required to be.

308. CONTRABAND/  
UNAUTHORIZED  
PROPERTY

2 months	53 days	2 months	2 months
----------	---------	----------	----------

Definition: Possessing, giving, loaning, receiving or using property which an inmate has no authorization to have or to receive and which was not issued to the individual him through regular procedures, including the unauthorized possession of food or clothing or the possession of property in excess of that which is authorized by the institution or property which has been altered from its original state.

309. PETITIONS, POSTINGS,  
AND  
BUSINESS  
VENTURES

2 months	0 days	0 days	2 months
----------	--------	--------	----------

Definition: Writing, signing or circulating a petition without authority; unauthorized distribution or posting of any printed or written materials, including surveys or engaging in an unauthorized business venture; or representing oneself as a corporation or official of a corporation without authorization.

401-  
310. ABUSE OF  
PRIVILEGES

2 months	3 days	0 days	2 months 1-month
----------	--------	--------	---------------------

Definition: Violating any rule regarding visits, mail, the library, yard, commissary, telephone, or recreational activities. This includes correspondence or communicating with a victim, a victim's family member, or other person after the committed person has received notice that such person has informed the department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal offense--under

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

Maximum Time Loss of Privileges	Maximum Time in Confinement	Maximum Good Time Revocation	Maximum Delay in Recommended Parole to PFB
--	--------------------------------------	------------------------------------	--

federal or State law, a committed person may also be charged under #301.

311. FAILURE TO  
SUBMIT TO  
MEDICAL OR  
FORENSIC TESTS

2 months	3 days	0 days	2 months
----------	--------	--------	----------

Definition: Willfully refusing to submit to, or cooperate with, testing examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

402. HEALTH,  
SMOKING, OR  
SAFETY VIOLATIONS

Definition: Smoking in an unauthorized area; tattooing or body-ear or nose piercing including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, housing unit, work area, or other area in the facility or its grounds.

403. DISOBEYING  
A DIRECT  
ORDER

1 month	3 days	15 days	15 days
---------	--------	---------	---------

Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing, to accept a work, educational or housing assignment; or to perform a work assignment.

404. VIOLATION  
OF RULES

1 month	2 days	0 days	1 month
---------	--------	--------	---------

Definition: Willfully disobeying any rule of the facility. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified on the disciplinary report.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE

## MAXIMUM PENALTIES

	Maximum time Loss of Privileges	Maximum time in Confinement	Maximum time in Good Time Revocation	Maximum Delay in Recommended Parole to PRS
405. FAILURE TO REPORT	1 month	3 days	15 days	15 days
Definition: Failure to report to work, educational, or program assignment.				
406. TRADING OR TRAFFICKING	1 month	3 days	15 days	15 days
Definition: Trading or trafficking with any employee, visitor, or committed person.				
501. VIOLATING STATE OR FEDERAL LAWS	2 months	1 month 7 days	1 year	1 year
Definition: Committing any act which would constitute a violation of State or federal law. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The State or federal offense must be specified in the disciplinary report.				

601. AIDING AND  
ABETTING,  
ATTEMPT,  
SOLICITATION OR  
CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses. shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended 8t 22 Ill. Reg. \_\_\_\_\_, effective  
JAN 1 1988)

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## Section 504. TABLE C Offenses and Maximum Penalties -- Community Services Division

OFFENSE	MAXIMUM PENALTIES	Maximum time in any Level	Maximum time-in Privilege Segrega- tions
100. VIOLENT ASSAULT OF ANY PERSON	1 year	1 year	Indeter- minate
Definition: Causing a person or an object to come into contact with another person in a deadly manner or in a manner that results in or is likely to result in serious bodily injury.			
101. ARSON	1 year	1 year	1 year
Definition: Setting fire in any location whether public or private, including but not limited to any part of the facility, its grounds, or any State vehicle.			
102. ASSAULTING ANY PERSON	1 year	1 year	1 year
Definition: Causing a person or an object to come into contact with another person in an offensive, provocative, or injurious manner or fighting with a weapon.			
103. BRIBERY & BLACKMAIL	1 year	1 year	1 year
Definition: Demanding or receiving anything of value in exchange for protection, to avoid bodily injury, or through duress or pressure. Giving or receiving money or anything of value to violate State or federal law or to commit any act prohibited under this Part regulation.			
104. DANGEROUS CONTRABAND	1 year	1 year	1 year

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE MAXIMUM PENALTIES

Maximum Time in-any Level	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level
or and/or	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	or and/or
Privilege Restric- tions	Segrega- tion	Privilege Restric- tions	Segrega- tion	Privilege Restric- tions

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or using without authorization any explosive, acid, caustic material for incendiary devices, ammunition, dangerous chemical, escape material, knife, sharpened instrument, gun, firearm, razor, glass, bludgeon, brass knuckles, cutting tools, tools which may be used to defeat security measures such as hacksaw blades, keys, and lock picks, or any other dangerous or deadly weapon or substance of like character, or any object or instrument which is made to appear to be or could be used as a deadly or dangerous weapon or substance.

105. DANGEROUS  
DISTURBANCES

Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

## 106. ESCAPE

Definition: Leaving or failing to return to lawful custody without authorization, including the failure to return from furlough or leave within 2 two hours after of the designated time.

107. SEXUAL  
MISCONDUCT

Definition: Engaging in sexual intercourse, deviate sexual conduct, or seducing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

## 108. SEXUAL ASSAULT

Definition: Engaging in sexual intercourse, deviate sexual conduct, or seducing, fondling, or touching done to sexually arouse, intimidate, or harass either or both persons; or engaging in any of these activities with an animal.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE MAXIMUM PENALTIES

Maximum Time in-any Level	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in-any Level
or and/or	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in B or C Grade	or and/or
Privilege Restric- tions	Segrega- tion	Privilege Restric- tions	Segrega- tion	Privilege Restric- tions

Definition: Causing unwilling contact between the sex organ of one person and the sex organ, mouth, or anus of another person or any intrusion of any part of the body of one person or object into the sex organ or anus of another person by use of force or threat of force, including pressure, threats, or any other actions or communications by one or more persons to force another person to engage in a partial or complete sexual act.

## 109. VIOLENCE

Definition: Taking property belonging to another person or entity or the facility without the owner's authorization.

109. ELECTRONIC  
CONSPIRACY

Definition: Possessing, selling, receiving, supplying to others, or using without authorization any electronic device, video recording device, computer, or cellular communications equipment, including but not limited to cellular telephones, cellular telephone batteries, pagers, computers, and computer peripheral equipment.

## 109. FORGERY

Definition: Forging, counterfeiting, or reproducing without authorization any document, article or identification money, security or official paper.

201. CONSPIRACY  
OR OBSTRUCTION

Definition: Engaging in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

202. DAMAGE OR  
MISUSE OF

Definition: Causing, directing, or participating in any action which may seriously disrupt or endanger the institution, persons, or property, including the taking or holding of hostages by force or threat of force.

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS  
MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time in any Level	Maximum time in any Level or and/or Privilege Segrega- tions
---------	---------------------------------------	------------------------------------	--

## PROPERTY

Definition: Destroying, damaging, removing, altering, tampering with, or otherwise misusing State property belonging to the State, or property of another person, or entity, including the obstruction of locks or security devices, destroying or tampering with bar codes or identification cards, or using another person's identification card.

203.	DRUGS AND DRUG PARAPHERNALIA	6 months	6 months	2 months
------	------------------------------------	----------	----------	----------

Definition: Possessing, manufacturing, introducing, selling, supplying to others, or receiving alcohol, any intoxicant, inhalant, narcotic, syringe, needle, controlled substance, or marijuana; or being under the influence of any of the above substances; or refusing to be tested for drug or alcohol use, including failure to provide a specimen within 2 hours after the request; or destroying or tampering with drug or alcohol tests or testing equipment. This offense section includes medication misuse, for example, or the possession or use of unauthorized amounts of prescribed medication, or selling or supplying prescribed medication to others.

204.	FORGERY	6 months	1 year	2 months	3 months
------	---------	----------	--------	----------	----------

Definition: Forging, counterfeiting, or reproducing without authorization any document, article of identification, money, security, or official paper.

205.	GANG OR UNAUTHORIZED ORGANIZATIONAL ACTIVITY	1 year 6 months	1 year 6 months	1 year 2 months
------	---	--------------------	--------------------	--------------------

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS  
MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time in any Level or and/or Privilege Segrega- tions	Maximum time in any Level or and/or Privilege Segrega- tions
---------	---------------------------------------	--	--

Definition: Engaging, or pressuring, or authorizing others to engage in gang or unauthorized organizational activities, or meetings, or criminal acts; displaying, wearing, possessing, or using gang or unauthorized organizational insignia or materials; or giving gang or unauthorized organizational signs. Unauthorized organizational activity shall include engaging in the above activities by or on behalf of an organization which has not been approved pursuant to 20 Ill. Adm. Code 445 or 450.

206.	INTIMIDATION OR THREATS	6 months	3 months	6 months	2 months
------	----------------------------	----------	----------	----------	----------

Definition: Expressing by words, actions, or other behavior an intent to injure any person or property which creates the reasonable belief that physical, monetary, or economic harm to that person or to another will result.

207.	POSSESSION OF MONEY	4 months	2 months	15 days	2 months
------	------------------------	----------	----------	---------	----------

Definition: Possessing or causing to be brought into the facility any coin or currency or other negotiable instrument without authorization, or failure promptly submit entire income to center staff, including wages, tips, gifts, or any check for social security, disability, veteran's benefits, loans, scholarships, or loans.

207.	UNAUTHORIZED MONEY/IN-ON ABSENCE	2 months	6 months	2 months	1-month and 15-days
------	--	----------	----------	----------	------------------------

Definition: Being anywhere without authorization, or being absent from where required to be outside the facility, or returning late or not traveling directly to/from any authorized destination without prior approval.

208.	DANGEROUS	6 months	6 months	6 months	6 months
------	-----------	----------	----------	----------	----------

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS  
MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time in B or C Grade	Maximum time in any Level or and/or Privilege Segrega- tions
<b>COMMUNICATIONS</b>			
Definition: Engaging in verbal or written communication that is likely to encourage violence against persons or that is likely to disrupt or endanger the safety and security of the facility, including but not limited to escape plans and manufacture of weapons.			
<b>209. DANGEROUS WRITTEN MATERIAL</b>	6 months	6 months	6 months
Definition: Possessing or causing to be brought into the facility written material which presents a serious threat to the safety and security of persons or the facility, including but not limited to written material relating to methods of escape and the manufacture of weapons.			

<b>210. IMPAIRMENT OF SURVEILLANCE</b>	6 months	6 months	6 months
Definition: Using curtains, coverings, or any other matter or object in an unauthorized manner that obstructs or otherwise impairs the line of vision into a committed person's room or which obstructs or otherwise impairs any viewing panel or surveillance equipment, both audio and visual, within the facility.			
<b>301. FIGHTING</b>	1 month	1 month	2 months 1-month and-15-days
Definition: Fighting coming--into--contact with another consenting person which is not likely to cause serious bodily injury to one or the other and which does not involve the use of a weapon.			
<b>302. GAMBLING</b>	2 months	15 days	1 month 2 months 1-month

DEPARTMENT OF CORRECTIONS  
NOTICE OF ADOPTED AMENDMENTS  
MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time in B or C Grade	Maximum time in any Level or and/or Privilege Segrega- tions
<b>303. GIVING FALSE INFORMATION TO AN EMPLOYEE</b>	3 months	3 months 28-days	3 months 1-month and-15-days
Definition: Lying or knowingly providing false information to an employee.			
<b>304. INSOLENCE</b>	3 months	1 month	1 month 15-days and-15-days
Definition: Talking, touching, gesturing, or other behavior which harasses, annoys, or shows disrespect.			
<b>305. THEFT</b>	6 months	1 year	2 months
Definition: Taking property belonging to another person or entity or the facility without the owner's authorization.			
<b>306. TRANSFER OF FUNDS</b>	3 months	1 month	10 days 2 months 1-month and-15-days
Definition: Causing money to be transferred from one trust fund to another or through an outside source to the account of another committed person, or entering into contracts or and/or credit agreements without written approval from the Center Supervisor.			
<b>307. UNAUTHORIZED</b>	2 months	6 months	2 months 2 months



## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time-in Good Time Revocation	Maximum time in any Level or and/or Privilege Restrictions
---------	---------------------------------------	---	---

MOVEMENT, OR  
ABSENCE

Definition: Being anywhere without authorization, or being absent from where required to be outside the facility, or returning late, or not traveling directly to or from any authorized destination without prior approval.

307.

POSSESSION  
OF MONEY

Definition: Possessing--or--causing--to--be--brought--into--the--facility--United--States--coin--or--currency--or--a--negotiable--instrument--without--authorization--or--failure--to--promptly--submit--entire--income--to--Center--staff--including--wages--tips--gifts--or--any--check--for--social--security--disability--veteran's--benefit--grants--scholarships--or--loans--

308.

CONTRABAND/  
UNAUTHORIZED  
PROPERTY

Definition: Possessing, giving, loaning, receiving, or using property which a committed person has no authorization to have or to receive, including the unauthorized possession of food or clothing, or the possession of property in excess of that which is authorized by the facility or property which has been altered from its original state.

309.

PETITIONS, POSTINGS,  
AND BUSINESS  
VENTURES

Definition: Writing, signing, or circulating a petition without authorization; unauthorized distributing or posting of any printed or written materials, including surveys; or engaging in an unauthorized business venture or representing oneself as a corporation or official

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## MAXIMUM PENALTIES

OFFENSE	Maximum time in B or C Grade	Maximum time-in Good Time Revocation	Maximum time in any Level or and/or Privilege Restrictions
---------	---------------------------------------	---	---

of a corporation without authorization.

404.

ABUSE OF  
PRIVILEGES

Definition: Violating any rule regarding visits, mail, telephone, or other recreational activities. This includes corresponding or communicating with a victim, a victim's family member, or other persons after the committed person has received notice that such person has informed the Department that he or she does not wish to receive correspondence from the committed person. However, if the conduct also constitutes a violation of criminal offense under Federal or State law, a committed person may also be charged under #501.

311.

FAILURE TO  
SUBMIT TO  
MEDICAL OR  
FORENSIC TESTS

Definition: Willfully refusing to submit to, or cooperate with, testing, examinations, or the provision of samples required by court order, State law, or current standards of public health and safety, including the refusal to submit to annual tuberculosis screening and mandatory HIV or DNA testing.

402.

HEALTH, SMOKING,  
OR SAFETY  
VIOLATIONS

Definition: Smoking in an unauthorized area; tattooing or body-piercing, including, but not limited to, piercing of the ear, nose, or lip; or disregarding basic hygiene of person, living or work area, or other place in the facility or its grounds.

403.

## DISOBEDIENCE

Definition: Disobeying a rule, order, or instruction of a staff member or official of the facility or its grounds.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE MAXIMUM PENALTIES

OFFENSE	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in any Level OR Privilege Segrega- tion
---------	---------------------------------------	---------------------------------------	---

## A DIRECT ORDER

Definition: Willfully refusing to comply with an order, including the refusal to participate in educational testing or testing for alcohol or drug abuse; to accept a work, educational, or housing assignment; to perform a work assignment; or negligence of assignment.

## 404. VIOLATION OF POSTED RULES

Definition: Willfully disobeying any posted rule of the facility. If a specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The rule violated must be specified in the disciplinary report.

## 405. FAILURE TO REPORT

Definition: Failure to report for an employment, educational, or program assignment or for transportation without proper excuse.

## 406. TRADING OR TRAFFICKING

Definition: Trading or trafficking with any employee, visitor, or committed person.

## 501. VIOLATING STATE OR FEDERAL LAWS

Definition: Committing any act which would constitute a violation of State or federal law. If the specific offense is stated elsewhere in this Part, a committed person may not be charged with this offense. The State or federal offense must be specified in the disciplinary report.

## DEPARTMENT OF CORRECTIONS

## NOTICE OF ADOPTED AMENDMENTS

## OFFENSE MAXIMUM PENALTIES

OFFENSE	Maximum Time in B or C Grade	Maximum Time in B or C Grade	Maximum Time in any Level OR Privilege Segrega- tion
---------	---------------------------------------	---------------------------------------	---

## 601. AIDING AND ABETTING,

OR ATTEMPT,  
SOLICITATION OR  
CONSPIRACY

Definition: Aiding and abetting any person in the commission of any of these offenses; attempting to commit any of these offenses; making plans to commit any of these offenses; soliciting another to commit any of these offenses; or conspiring to commit any of these offenses. Shall be considered the same as the commission of the offense itself and shall carry the penalty prescribed for the underlying offense.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_,  
JAN 01 1998)

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Emergency Planning and Community Right-to-Know

- 2) Code Citation: 29 Ill. Adm. Code 620

- 3) Section Numbers: Adopted Action:

620.10 Amends  
620.20 Amends  
620.30 Amends  
620.40 Amends  
620.50 Amends  
620.60 Amends  
620.70 Amends  
620.80 Amends  
620.90 Amends  
620.100 Amends  
620.200 Amends  
620.210 Amends  
620.220 Amends  
620.230 Amends  
620.240 Amends

- 4) Statutory Authority: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right to Know Act (430 ILCS 100) and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3105/5c].

- 5) Effective Date of Rulemaking: January 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: December 19, 1997

- 9) Notice of Proposal Published in Illinois Register:

June 27, 1997, 21 Ill. Reg. 7789

- 10) Has JCRR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: Under Statutory Authority added "The Illinois Emergency Planning and Community Right to Know Act (430 ILCS 100)"; Section 620.10, changed "Section" to "Subpart"; Section 620.50(a), changed "as" to "at"; Section 620.50(b), deleted "5"; Serving as a member of a local emergency planning committee does not constitute holding a public office of position of employment under the laws of Illinois and does not constitute grounds for removal from public office or employment"; Section 620.50(b), renumbered sections 6 & 7 to 5 & 6 and

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

added "7) Within 90 days after an emergency planning district is designated or revised, the emergency planning district shall notify facilities within that district of any changes including, but not limited to, contact personnel or mailing addresses."; Section 620.70 (a), changed "as" to "at"; Section 620.70(a)(2), changed "rules" to "procedures"; Section 620.70(a)(4), deleted "rules and"; Section 620.70(a)(7), changed "State Law" to "Purchasing Act [30 ILCS 505]"; Section 620.70(a)(8), changed "to monitor regulated facilities within the planning district and to conduct compliance and enforcement activities to ensure that the facilities have submitted" to "with the regulated facilities within the planning district to ensure compliance with"; Section 620.70(a)(9), changes "of the compliance and enforcement activities of the committee during the previous calendar year. The report also shall contain the number of facilities that are in compliance with the Sections listed in subsection (a)(8)." to "relative to the activities undertaken by the committee during the previous calendar year. The report shall reflect such activities undertaken pursuant to the program established in subsection (a)(8) of this Section."; Section 620.70(b)(1), deleted comma after "property"; Section 620.70(b)(4), changed "exercise any power, perform any function or render any service on behalf of the committee that the committee may exercise, perform, or render under this Section. The agreement shall specify the powers, functions and services the committee, the board of health, political subdivision, Agency, or authority is authorized to exercise, perform, render and shall establish, either in specific terms or by prescribing methods for determining them, the" to "provide guidance or expertise with regards to emergency planning and responses. The agreement, if any, shall provide scope of services to be provided by such an entity and the method and"; Section 620.70(b)(4) changed "the" to "a"; Section 620.70(b)(5), changed "may resolution adopt rule" to "adopt procedures"; Section 620.70(b)(5), changed "more stringent than" to "consistent with"; Section 620.70(b)(5), after "Federal Act and this Part," added the procedures shall reflect the administrative and operational functions of the emergency planning district and include the confidentiality provisions afforded by Federal Law; Section 620.70(b)(5), changed "rules to procedures"; Section 620.70(b)(5), deleted "before enforcing a more stringent requirement, the committee shall obtain a variance from the SMC. No person shall violate a rule adopted under this subsection (b)(5)."; Section 620.70(c), added "(see 430 ILCS 1072) after 'employees'; Section 620.200, changed "Section" to "Subpart".

- 12) Have all the changes aired upon by the Agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes all Second Notice Changes have been made.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Title III of the Superfund Amendments

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

and Reauthorization Act of 1986 (SARA) establishes the "Emergency Planning and Community Right to Know Act (EPCRA)". This Act requires the Illinois Emergency Management Agency (IEMA) as the State Emergency Response Commission (SERC) to designate emergency planning districts and to organize and supervise a local emergency planning committee (LEPC) within each established district.

These proposed rule changes will clarify the functions of the SERC and the LEPCs. They will also provide a clearer structure and guidance to the process of achieving the results as put forth in the Act.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Dean Schlee  
Address: Manager, Hazardous Materials  
Compliance & Enforcement  
Illinois Emergency Management Agency  
110 East Adams Street  
Springfield, IL 62701-1109  
Telephone: 217/782-4694  
Facsimile: 217/557-2145

The full text of the Adopted Amendment begins on the next page:

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE  
CHAPTER 1: EMERGENCY MANAGEMENT SERVICES-AND-DISASTER AGENCY  
SUBCHAPTER F: CHEMICAL SAFETY

## PART 620

## EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

## SUBPART A: EMERGENCY PLANNING AND NOTIFICATION

Section	Purpose
620.10	Definitions
620.20	The State Emergency Response Commission (SERC)
620.30	Emergency Planning Districts
620.40	Local Emergency Planning Committee
620.50	Revisions
620.60	Functions of a Local Emergency Planning Committee
620.70	Preparation of Local Emergency Plan
620.80	Substances and Facilities Covered and Notification
620.90	Emergency Notification
620.100	

## SUBPART B: REPORTING REQUIREMENTS

Section	Purpose
620.200	Material Safety Data Sheets (MSDS)
620.210	Public Availability of MSDS, Plans, Forms and Follow-up Notices
620.220	Emergency and Hazardous Chemical Inventory Forms - Tier I Information
620.230	Tier II Information
620.240	

AUTHORITY: Implementing Title III of the Superfund Amendments and Reauthorization Act of 1986 (P.L. 99-499) and the Illinois Emergency Planning and Community Right to Know Act [430 ILCS 100] and authorized by Section 5(c) of the Illinois Emergency Management Agency Act [20 ILCS 3305/5c].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 9635, effective May 5, 1987, for a maximum of 150 days, adopted at 12 Ill. Reg. 9889, effective May 31, 1988; amended at 22 Ill. Reg. 1234, effective JAN 9 1990.

## SUBPART A: EMERGENCY PLANNING AND NOTIFICATION

## Section 620.10 Purpose

This Subpart section implements comprehensive State state and local emergency





## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

responsibilities required by that Act.

"Threshold planning quantity planning-quantity" means, for a substance listed in Appendices A and B of 40 CFR 355, the quantity listed in the column "threshold planning quantity" for that substance.

"TPQ" means threshold planning quantity.

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## Section 620.30 The State Emergency Response Commission (SERC)

The Illinois Emergency Management Services-and-Disaster Agency (IEMA) (SBA) was designated State Emergency Response Commission (SERC) on January 27, 1987, by the Governor of Illinois. The State Emergency Response Commission shall have certain powers to enforce legislation known as Title III of the Superfund Amendments Reauthorization Act (SARA) entitled the Emergency Planning and Community Right-to-Know Act of 1986 (42 USC 9601-9607) (42 USC 9601-9607 et seq.). Specifically, the SERC shall:

- Designate emergency planning districts within the State state.
- Appoint local emergency planning committees.
- Supervise and coordinate local emergency planning committee activities.
- Establish procedures for receiving and processing requests from the public for information regarding hazardous chemicals that may be stored and used at fixed facilities.
- Designate an official to serve as coordinator for information.
- Carry out any other responsibilities as designated by the Act and any amendments thereto.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## Section 620.40 Emergency Planning Districts

The SERC is chartered under the Act with designating emergency planning districts. Therefore, the SERC shall designate emergency planning districts pursuant to the following conditions: In order to facilitate emergency plan preparation as well as the execution of emergency plans, the SERC shall designate boundaries which shall compose emergency planning districts. The end of the SERC shall designate each county in Illinois to serve as an emergency planning district.

- The SERC may designate or revise its designation of planning districts as it considers necessary or appropriate pursuant to Section 301 of the Act.

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

- The SERC may also designate or revise its designation of planning districts in response to the following:

- At the written request of the chief executive of two or more adjoining planning districts, the SERC may designate these districts to constitute a joint planning district.
- Upon written request to the SERC by the chief executive of a home rule jurisdiction with a population of at least 70,000, the chief executive of the committee in the planning district where the home rule unit is located, and the chief executive of the county where the home rule unit is located, the SERC may designate that home rule unit to constitute a planning district.

(Source: Amended at 22 Ill. Reg. 1206, effective JAN 11 1993)

## Section 620.50 Local Emergency Planning Committee

A local emergency planning committee shall be established within each emergency planning district no later than 30 days after the SERC designates emergency planning districts, or by August 17, 1987, whichever is earlier.

- The local emergency planning committee shall, at as a minimum, be composed of representatives from the following groups or organizations:

- State and local elected officials
- Local environmental groups group
- Law enforcement
- Hospital
- Local government ESBA
- Transportation
- Fire fighting
- Broadcasting and print media
- First aid or emergency medical service
- Community groups
- Health
- Owners and operators of facilities subject to Section 620.90 of this Part

- Establishing a Local Emergency Planning Committee
- The principal executive officer of the geographic area designated as an emergency planning district by the SERC shall be responsible for recruiting and recommending in writing to the SERC the names of volunteers representing the organizations or groups cited in subsection (a) above of this Section. The SERC shall review the list of recommended local emergency planning committee appointees from each emergency planning district and, from these lists, appoint members to serve on each district's local emergency planning committee. The SERC shall notify, in writing, the principal executive officer of the geographic area designated as an emergency planning

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

district in--writing of the local emergency planning committee appointments.

1) Within 30 thirty days following appointment by the SERC, the local emergency planning committee shall elect appoint a chairperson in accordance with subsection (b)(3) of this Section) and designate an official to serve as coordinator for information. The local emergency planning committee shall also establish rules and procedures for operation by which it shall function in accordance with Section 301(c) of the Act.

2) The local emergency planning committee shall notify the SERC in writing of its elected chairperson and designated coordinator for information, including the address and phone number of these officials. The SERC shall provide the name of these officials to the public upon request.

3) The committee chair must be elected by a majority vote of all of its members. The term of office for the committee chair shall not exceed 3 years. At the end of this 3 year term the committee chair may be reinstated provided that a nomination is made and seconded and that the nomination is supported by a majority vote of all members. Otherwise a new candidate must be selected and elected by a majority vote of its membership. The terms of all other offices shall be established by the committee. The local emergency planning committee, by a majority vote of all its members, may at any time remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the committee, the SERC may remove a member of the committee for those reasons.

4) If an emergency planning district consists only of territory within one county, the SERC shall appoint the members of the committee of the district from a list of persons submitted to the SERC by the County Board Chair of that county. If the emergency planning district or joint emergency planning district contains territory that is wholly or partly within 2 or more counties, the SERC shall appoint the members of the local emergency planning committee from the list of persons submitted to the SERC by the County Board Chair of each county having territory within the planning district or joint planning district.

5) The SERC may, as it considers appropriate, modify its designation of emergency planning districts or alter the composition of the groups and organizations represented on the local emergency planning committee or the number of members representing any of those groups or organizations on the committee. Provided that each of the organizations or groups specified in subsection (a) of this Section is represented on the committee. By written petition, members of the public may request the SERC to modify the representation of those groups or organizations on the local emergency planning committee. The SERC shall declare the position of the members abolished if it reduces or eliminates representation of a group or organization on the committee, and

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

the person whose position is so abolished shall cease to serve as a member of the committee on the effective date of the SERC's declarations. Appointments of members to fill positions established as a result of modification of the composition of the committee shall be made in the same manner as original appointments under this Section.

6) If the SERC alters the boundaries of an emergency planning district or designates a joint district, it shall, within 45 days after the effective date of the action, appoint a committee for each district created by or whose boundaries were altered by that action. Upon the appointment of a planning committee for each such district, the planning committee of each of the districts that existed prior to that action shall cease to exist.

7) Within 90 days after an emergency planning district is designated or revised, the emergency planning district shall notify facilities within that district of any changes including, but not limited to, contact personnel or mailing addresses.

(Source: Amended at 22 Ill. Reg. 120.0, effective JAN 01 1993)

## Section 620.60 Revisions

The SERC may revise designated emergency planning districts and local emergency planning committee appointments under authority of in--accordance--with Section 301(d) of the Act. Interested persons may petition the SERC to modify a local emergency planning committee membership by writing to: the

Manager Supervisor, Hazardous Materials Compliance and Enforcement Programs  
Illinois Emergency Management Services--and--Disaster Agency  
110 East Adams  
Springfield, Illinois 62701-1109 62706.

(Source: Amended at 22 Ill. Reg. 120.0, effective JAN 01 1993)

## Section 620.70 Functions of a Local Emergency Planning Committee

a) The local emergency planning committee shall, at as a minimum, carry out the following functions in accordance with Section 301(c) of the Act:

- 1e) Elect Appoint a chairperson and vice-chairperson and a secretary to keep records of its proceedings.
- 2b) Appoint a coordinator for information who shall be responsible for maintaining the committee's files of information received under the Act and procedures adopted under it and for receiving and fulfilling requests from the public for that information.





## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

Provision of the training programs, seminars, or other forms of educational programs that are required to be included in the plan of each planning district.

- 7) Do all things necessary, incidental, or appropriate to perform the duties and exercise the power of an EPC under this Part and under the Federal Emergency Planning and Community Right-to-Know Act of 1986 and regulations adopted under it.

c) Members of a local community planning committee are entitled to the immunity afforded public officers and employees (see 745 ICS 10/2).

(Source: Amended at 22 Ill. Reg. 1204, effective JAN 01 1983.)

## Section 620.80 Preparation of Local Emergency Plan

Each local emergency planning committee shall complete an emergency plan by October 17, 1988. After completion of an emergency response plan for an emergency response district, the local emergency planning committee shall send a copy of the plan to the Illinois Emergency Management Services--and--Bioscience Agency (IEMA) (HHSBA) Regional Coordinator for the region in which the emergency planning district is located. The IEMA HHSBA Regional Coordinator shall review the plan and make recommendations in writing to the committee about on revisions of the plan that may be necessary to ensure coordination--of such plans--with plans--of other local emergency planning districts.

a) The emergency plan shall cover, as a minimum, each of the provisions listed in Section 303(c)(1) through Section 303(e)(9) of the Act.

b) The local emergency planning committee shall review the emergency plan once a year or more frequently, as changed circumstances in the community or at any facility may require.

c) The owner or operator of a facility within an emergency planning district whose facility is subject to the requirements of the Act shall provide pursuant to Section 303(d) of the Act information relating to emergency planning to the local emergency planning committee.

d) The emergency plan shall be exercised at least annually.

e) The local emergency planning committee shall identify training needs for emergency responders in support of the emergency plan.

(Source: Amended at 22 Ill. Reg. 1204, effective JAN 01 1983.)

## Section 620.90 Substances and Facilities Covered and Notification

a) Substances

A substance is subject to the requirements of the USEPA's list of extremely hazardous substances as covered in Section 302(a) of the Act. For the purpose of this Section, Section 302(a) of the Act establishes the requirements by which threshold planning quantities of

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

a substance shall be determined.

b) Facilities

1) Any facility is subject to the requirements of this Section if that facility has present a substance referred to in Section 302(a) of the Act and specifically listed in 40 CFR 355, Appendix A, in an amount in excess of the threshold planning quantity established for such substance in 40 CFR 355, Appendix A. This shall be in compliance with Section 302(b)(1) of the Act.

2) The Governor or SERC may designate additional facilities in accordance with Section 302(b)(2) of the Act as follows: For purposes of emergency planning, the Governor or SERC may designate facilities which shall be subject to the requirements of the Act if such a designation is made after public notice and opportunity for comment. The Governor or SERC shall notify the facility concerned of any facility designation designated under this subsection (b)(2) paragraph. Public notice will be made through trade associations and newspapers and there will be a 30-day comment period before a facility is subject to the emergency planning and notification requirements. The Agency will notify facilities so designated by mail.

c) Emergency Planning Notification

1) No later than May 17, 1987, the owner or operator of a facility subject to the requirements of subsection Section 620-90(b)(1) of this Section and Section 302(b)(7)(c) of the Act (42 USC 11002(c)) shall notify the SERC that their facility is subject to those the requirements of these Sections. The notification shall be in writing. The notification shall include the name of the business, and the address and the county of the facility where the substance is located. The letter shall be addressed to the Manager, Supervisor, Hazardous Materials Compliance and Emergency Programs, Illinois Emergency Management Services--and--Bioscience Agency, 110 East Adams, Springfield, Illinois 62701-1109 62706.

2) After May 17, 1987, if a substance on the list of extremely hazardous substances first becomes present at such facility in excess of the threshold planning quantity established for such substance, or if there is a revision of such list and the facility has present a substance on the revised list in excess of the threshold planning quantity established for such substance, the owner or operator of the facility shall notify the SERC and the local emergency planning committee in the planning district where the facility is located within 60 days after such acquisition or revision that such facility is subject to the requirements of this Part rate. The notification shall be in writing.

d) The local emergency planning committee shall ensure that the local emergency preparedness plan is amended to include any facility in their district that sends notification pursuant to this subsection (c)

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

## of this Section.

- e) The SERC shall mail emergency planning notification data to the USEPA in accordance with Section 302(d) of the Act.

(Source: Amended at 22 Ill. Reg. 100, effective JAN 1 1980)

## Section 620.100 Emergency Notification

## a) Types of Releases

The types of releases which are identified in Section 304(a) of the Act (42 USC 11004(a)) shall be the types of releases that shall be subject to the emergency notification requirements of this Section.

## b) Notification

1) Notice required under Section 304(a) of the Act shall be given immediately after a release to the recipients of notice and in accordance with Section 304(b)(1) of the Act and 29 Ill. Admin. Code 430. Notification to the SERC shall be made by telephoning 1-800-782-7860.

2) Content of an emergency notice shall include information required in Section 304(b)(2)(iv) through Section 304(b)(vii) of the Act.

3) The owner or operator of a facility that has provided a notification in accordance with this subsection Section 620.100 of this Section shall provide a written follow-up notice in accordance with Section 304(c) of the Act.

4) In providing emergency notification of a release in accordance with Section 304(b) of the Act with respect to transportation or storage incidents, the owner or operator of a facility shall notify the SERC by telephoning 1-800-782-7860 in Illinois.

5) A facility owner or operator in a corporate headquarters outside Illinois whose transportation carrier is involved in an incident in Illinois reportable under the provisions of Section 304 of Title III of SARA (42 USC 11004) in Illinois may make an emergency notification to the Illinois SERC in accordance with Section 304 of the Act by dialing 217-782-7860.

(Source: Amended at 22 Ill. Reg. 100, effective JAN 1 1980)

## SUBPART B: REPORTING REQUIREMENTS

## Section 620.200 Purpose

This Subpart section is designed to set up reporting procedures for facilities that handle hazardous chemicals regulated under the Occupational Safety and Health Standards Act of 1970 (29 CFR 1910). It also establishes procedures to ensure that the location and amount of hazardous chemicals in a facility is monitored and made available to the SERC, the local planning committee, the

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

local fire department, and to the public. The availability of this kind of information is designed to facilitate public awareness by allowing individuals to learn about the types and quantities of hazardous chemicals within their own communities.

(Source: Amended at 22 Ill. Reg. 100, effective JAN 1 1980)

## Section 620.210 Material Safety Data Sheets (MSDS)

## a) Submission of MSDS/Lists

The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act 29 USC 651 et seq. 1) of 1970-1979-1980 and regulations promulgated under that Act (29 CFR 1910) shall submit a material safety data sheet for each chemical or a list of such chemicals as stipulated in Section 311(a)(2) of the Act and 40 CFR 370, to each of the following:

- 1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109. The Toxic Substances Directorate, Section 311, Illinois Department of Labor, 1 West Old State Capitol, Planar Room 369, Springfield, Illinois 62760-1000, as provided by an inter-governmental agreement between the USEPA and the FBI.
- 2) Submit of an MSDS or a list of chemicals to the FBI under this Section is required only if the owner/operator of a facility has not submitted to the FBI an MSDS or a list of acquired MSDS pursuant to Section 5 of the Toxic Substances Directorate to the EPA, Rev. Stat. 1965-Rev. 48, Section 1489.
- 3) The local emergency planning committee of the planning district in which the facility is located.
- 4) The fire department with jurisdiction over the facility.

b) Content of a List of Chemicals  
The list of chemicals referred to in subsection (a) paragraph a) shall include each of the following:

- 1) A list of the hazardous chemicals for which a material safety data sheet is required under the Occupational Safety and Health Act of 1970, grouped in categories of health and physical hazards as set forth under the "this Act," or in other categories as prescribed by the USEPA (Appendix A of 40 CFR 355, April 22, 1987).
- 2) The chemical name or common name of each such chemical as provided on the material safety data sheet.
- 3) Any hazardous component of each such chemical as provided on the material safety data sheet.
- 4) MSDS Due Date
- 5) The material safety data sheet or the alternative list must be supplied within before the later of 12 months after enactment of the



## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

Act on October 17, 1987, or 3 months after the facility is required to have available an MSDS under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act.

## d) Minimum Threshold Level.

1) As provided under Section 370-20, 40 CFR 370.20, dated (October 15, 1987), the minimum threshold level for reporting under this Section shall be according to the following schedule: 1) The owner or operator of a facility subject to this Section shall submit an MSDS within 14 days after October 17, 1987, for 3 months after the facility first becomes subject to this Section; for all hazardous chemicals present at the facility in amounts equal to or greater than 10,000 pounds, or that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or more, whichever is less; and

(b) On or before October 17, 1989, for 2 years and 3 months after the facility first becomes subject to this Section; for all hazardous chemicals present at the facility between 10,000 and 500 pounds, for which an MSDS has not yet been submitted.

2) The minimum threshold for reporting in response to requests for submission of an MSDS pursuant to this Section shall be zero.

e) MSDS From Facility on Request. The owner or operator of a facility shall submit a material safety data sheet requested under Section 311(c)(1) of the Act to the local emergency planning committee within 5 five work days following receipt of the request.

f) A local emergency planning committee, upon request by any person, shall make available an MSDS to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act. If the local emergency planning committee does not have the requested MSDS, the committee shall request the sheet from the facility operator or owner and make the sheet available to the person in accordance with Section 620.220 of this Subpart and Section 324 of the Act.

g) Submission of Revised MSDS. Within 3 three months following the discovery by a facility owner or operator of significant new information concerning an aspect of a hazardous chemical for which an MSDS was previously submitted, a revised MSDS must be provided to each of the following:

1) Manager, Hazardous Materials Compliance and Enforcement, Illinois Emergency Management Agency, 110 East Adams, Springfield, Illinois 62701-1109. The toxic-substance disclosure Section of the Illinois Department of Labor, 1 West Old State Capitol Plaza, Room 3667, Springfield, Illinois 62761.

2) The local emergency planning committee of the planning district in which the facility is located.

3) The fire department with jurisdiction over the facility.

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 128/1, effective 1/1/1990)

## Section 620.220 Public Availability of MSDS, Plans, Forms and Follow-up Notices

Each emergency response plan, material safety data sheet, inventory form, toxic chemical release form and follow-up emergency notice is to be made available to the public by the SERC and the local emergency planning committee.

a) Information shall be made available to the general public at the Illinois Emergency Management Services and Disaster Agency, 110 East Adams Street in Springfield, Illinois, between 8:30 a.m. and 5:00 p.m. everyday except weekends and official holidays.

b) The local emergency planning committee in each planning district shall designate a time and location that this information shall be available to the general public.

c) Each local emergency planning committee must publish annually a notice in local newspapers that the emergency response plan, material safety data sheets, and inventory forms have been submitted.

d) The published notice shall state that follow-up emergency notices may subsequently be issued. It shall also announce that any member of the public may review the emergency response plan, MSDS, inventory forms or follow-up at the designated time and place.

(Source: Amended at 22 Ill. Reg. 128/1, effective 1/1/1990)

## Section 620.230 Emergency and Hazardous Chemical Inventory Forms - Tier I Information

a) The owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act (29 USC 651 et seq.) of 1970-1990-1991 and regulations promulgated under that Act (29 CFR 1910.1200) shall prepare and submit an emergency and hazardous chemical inventory form (hereafter in this Section referred to as an "inventory form") to each of the following:

1) The Manager, Supervisor of Hazardous Materials Compliance and Enforcement Programs, Illinois Emergency Management Services and Disaster Agency, 110 East Adams, Springfield, Illinois 62701-1109.

2) The local emergency planning committee of the planning district in which the facility is located.

3) The fire department with jurisdiction over the facility. The facility owner or operator shall submit the inventory form on or before March 17, 1988, and annually thereafter on March 1. The form shall contain data with respect to the preceding year.

c) Minimum Threshold Levels

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

1) As provided under Section 399-26, 40 CFR 370.20, 7 dated October 15, 1987, the minimum threshold level for reporting under this Section shall be according to the following schedule: 1) The owner or operator of a facility subject to this Section shall submit either the Tier I form of the Tier II form:

A) On or before March 1, 1989 for March 1 of the first year after the facility first becomes subject to this Section, covering:

1) all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds; or  
 2) all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPO, whichever is less.

B) On or before March 1, 1989 for March 1 of the second year after the facility first becomes subject to this Section, and annually thereafter, covering:

1) all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than 10,000 pounds; or  
 2) all chemicals that are extremely hazardous substances present at the facility in an amount greater than or equal to 500 pounds (or 55 gallons) or the TPO, whichever is less.

C) On or before March 1, 1989 for March 1 of the third year after the facility first becomes subject to this Section, and annually thereafter, covering all hazardous chemicals present at the facility during the preceding calendar year in amounts equal to or greater than zero pounds or that are extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds (or 55 gallons) or the TPO, whichever is less.

2) The minimum threshold for reporting in response to requests for submission of a Tier I form pursuant to Section 620.240 of this Subpart shall be zero.

d) The inventory form shall contain Tier I or Tier II information as described in Section 312(d)(1) of the Act.

(Source: Amended at 22 Ill. Reg. 1, effective JAN 11 1988)

## Section 620.240 Tier II Information

An inventory form shall provide additional information as required in Section 312(d)(2)(A) through Section 312(d)(2)(F) of the Act for each hazardous chemical present at the facility. Tier II information shall be made available to the public only upon request and in accordance with Section 312(e) of the

## EMERGENCY MANAGEMENT AGENCY

## NOTICE OF ADOPTED AMENDMENTS

Act. a) On request by the SERC, the local emergency planning committee or fire department, the facility must provide specific tier II information to the person making the request. A request from any of these entities shall reference a specific facility.

b) A member of the public may ask the SERC or the local emergency planning committee for Tier II information regarding a facility. Any information in their possession is to be made available subject to limitations for trade secret protection and protection of information regarding specific location in the plant (in accordance with Section 322 of the Act) if so requested by the facility.

c) If a request from a member of the public cannot be provided because Tier II information is not available, the SERC or local emergency planning committee shall submit a written request for it to the facility.

d) A request to the facility is compulsory for hazardous chemicals present at the facility in excess of 10,000 pounds during the preceding calendar year. Below the 10,000 pound threshold the decision to request Tier II information shall be determined by the SERC or the local emergency planning committee in accordance with the provisions of Section 312(e)(3)(C) of the Act.

e) The SERC or local emergency planning committee shall respond to a request for Tier II information no later than 45 forty-five days after receipt of the request.

f) The facility owner or operator shall record Tier I and Tier II information on inventory forms that shall be published by the USEPA.

g) A business may acquire a blank Tier I and Tier II Emergency and Hazardous Chemical Inventory forms from the SERC by writing to:

Manager, Supervisor, of Hazardous Materials Compliance and Enforcement Program,  
 Illinois Emergency Management Services and Disaster Agency,  
 110 East Adams,  
 Springfield, Illinois 62701-1109 62796.

(Source: Amended at 22 Ill. Reg. 1, effective JAN 11 1988)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel.
- 2) Code Citation: 41 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.15 Amendment  
140.20 Amendment  
140.300 Amendment  
140.310 Amendment  
140.320 Amendment  
140.325 Amendment  
140.350 Amendment  
140.500 Amendment
- 4) Statutory Authority: 50 ILCS 740/8 and 20 ILCS 2910/1 (Ill. Rev. Stat. 1991, ch. 85, Par. 538, and Ch. 127 1/2, Par. 501).
- 5) Effective Date of Amendments: December 23, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date filed in the Agency's principal office: December 22, 1997
- 9) Notice of Proposal published in the Illinois Register: 21 Ill. Reg. 13238, October 3, 1997
- 10) Has JCARR issued a statement of Objection to these rules? No
- 11) Differences between proposal and final version: A number of stylistic, editorial and typographical changes were made in response to public comments and the Joint Committee on Administrative Rules
- 12) Have all the changes agreed upon by the Agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes
- 13) Will this Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of Amendment: PA 90-20 altered the date for payment of claims and the period for which the Office would reimburse local governmental agencies. The dates for the period of training have been changed to calendar year from fiscal year and forms are now due on or before February 28. The amendment also increases the cost of special examinations.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

- 16) Requests for information and questions regarding this adopted amendment shall be directed to:

Ms. Glenna Senger  
Deputy State Fire Marshal  
Division of Personnel Standards and Education  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259  
(217) 782-2696

The full text of the Adopted Amendment begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

## PART 140

POLICY AND PROCEDURES MANUAL  
FOR FIRE PROTECTION PERSONNEL

Section	Authority Notes
140.1	Definitions
140.2	Applicability of Part 140
140.3	Program Goals (Repealed)
140.4	State Examinations
140.8	Division Responsibilities (Repealed)
140.10	Resources Required for Certification as a Provisionally Approved Training Facility
140.11	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
140.12	Certificates Earned by Bypass Examination
140.13	Course Approval
140.15	Examination Procedures for End-of-Course Exams Not Administered by the Office
140.16	Course Approval Equivalency
140.18	Requirements for Participation
140.20	Course Approval Standards
140.25	Developmental Sequence (Repealed)
140.30	Certified Firefighter I (Repealed)
140.40	Certified Firefighter II
140.50	Airport Firefighter
140.55	Certified Firefighter III
140.60	Certified Fire Apparatus Engineer
140.65	Fire Officer I
140.70	Fire Officer II
140.80	Fire Officer III
140.90	Instructor (Repealed)
140.100	Interim Instructor
140.110	Special Instructor (Repealed)
140.120	Fire Service Instructor I
140.130	Fire Service Instructor II
140.140	Fire Service Instructor III
140.150	Fire Service Instructor IV
140.160	Airport Firefighter (Repealed)
140.170	Fire Prevention Officer
140.180	Public Fire and Life Safety Educator II
140.185	Public Fire and Life Safety Educator III
140.190	Bypass Examination
140.200	Fire Investigator
140.210	Arson Investigator

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

140.215	Fire Inspector II
140.220	Fire Inspector III
140.225	Hazardous Materials First Responder-Awareness
140.230	Hazardous Materials First Responder-Operations
140.232	Hazardous Materials Technician
140.234	Chemistry of Hazardous Materials
140.236	Hazardous Materials Refresher Training
140.238	Hazardous Materials Incident Command
140.240	Rescue Specialist-Roadway Extrication
140.241	Confined Space/Trench Rescue Awareness
140.242	Rescue Specialist - Confined Space
140.243	Rescue Specialist - Trench I
140.245	Rescue Specialist - Vertical I/Ropes and Rigging
140.246	Rescue Specialist - Vertical II/High Angle
140.250	Hazardous Materials Specialist (Repealed)
140.300	Rules and Regulations for Reimbursement Funding
140.305	Prerequisites for Participation for Reimbursement Funding
140.310	Requirements
140.315	Claim Forms
140.320	Claim Deadline
140.325	Amount of Reimbursement
140.350	Appropriations
140.360	Advanced Training Programs
140.370	Funding Hours (Repealed)
140.380	Prerequisites Necessary to Qualify an Individual for Reimbursement Funding
140.390	Advisory Committees
140.400	Invalidation of a Student's State Examination Score
140.420	Appeals Process

AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act [50 ILCS 740/8 and 11] and the Peace Officer Fire Investigation Act [20 ILCS 2910].

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency expired November 13, 1982; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; emergency expired November 27, 1982; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12944, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 20, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 17 Ill. Reg. 11181, effective June 29, 1993, for a maximum of 150 days; emergency expired on November 26, 1993; amended at 18 Ill. Reg. 12696, effective August 8, 1994; added at 21 Ill. Reg. 8211, effective July 1, 1997; amended at 22 Ill. Reg. 1311, effective December 23, 1997.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

- a) Fire Departments:
  - 1) Fire departments must submit "Course Approval Form" once each five years, with the exception of Rescue Specialist. (See Section 140.241, 242, 243, 245, 246.) New forms must be submitted if:
    - A) A new Fire Chief is employed, or
    - B) Additional course or courses are added to the training schedule.
  - 2) Forms are due January 1 and must be renewed by June 30 December--31 of the fifth year following approval. Approvals not renewed by June 30 December--31 will not be approved for that calendar fiscal year. Reimbursement funding and--examinations will not be honored until the course approval is renewed the following fiscal year.
  - 3) Approvals will be granted on a fiscal-year calendar year. Fiscal years--end-on-June-30.
- b) Colleges, organizations, institutions and companies:
  - 1) "Course Approval Form" must be submitted once each five years with accompanying materials:
    - A) appropriate course correlation form
    - B) syllabi and course content; end-of-course exam; name and credentials of instructor
    - C) End-of-course exam, course syllabi and content shall be correlated to the Office established objectives.
  - 2) Course approval extension forms may be used for the next four years if no changes are made previously approved course.
  - c) Instructor Requirements. Approval will be granted upon proof of the following: experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.
  - d) Course completion rosters must be submitted to the Office listing individuals who successfully completed course.
  - e) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements:
    - 1) Provide for records of student attendance (i.e., a minimum of 80 per cent is required) and for student evaluations of the course.
    - 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
    - 3) The length of time required to retain training records shall be determined by the local government based on their Records Retention schedule, but shall be retained for at least five years

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

for audit purposes.

- 4) Maintain complete student records of course completion and test scores.
    - A) If a course involves college credit, the student's transcript is the complete student record.
    - B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.
  - 5) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.
  - f) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.
- (Source: Amended at 22 Ill. Reg. 13 A 3, effective DEC 23 1997)

## Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act [50 ILCS 740].

- a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.
  - 1) The Office will provide the governing body with a copy of a model Ordinance upon request.
  - 2) For participation for reimbursement funding each local governmental agency must pass an Ordinance requiring trainees to be certified at the Firefighter II level by the end of the probationary period. The ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.
- A) Local governmental agencies under Sections 10-7-7 and 10-2-1-4 of the Illinois Municipal Code [65 ILCS 5/10-7-7 and 10-2-1-4] are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.
- B) All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.

- c) Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.

- 3) Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.

- 4) Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement funding and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.

- 5) Individuals and departments may participate in all aspects of the programs for certification without passing the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.

- 6) The Board of Police and Fire Commissioners, or the Civil Service Commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the Office.

- b) Facility approval

- 1) A department must have a Provisionally Approved Training Facility to offer Firefighter II training. See Section 140.11.
- 2) A department must have an Unlimited Approved Training Facility to offer Firefighter III training. See Section 140.12.
- 3) A department must have Unlimited Facility Approval to operate as a regional training center.
- 4) A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.
- c) Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.
- d) Course Approval. See Section 140.15.

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 1311, effective DEC 2 3 1997)

## Section 140.300 Rules and Regulations for Reimbursement Funding

- a) The Illinois Fire Protection Training Act-as-amended (the Act) (115CS-Rev--Sept-1987-Eff-87-par-594) [50 ILCS 740] mandates the Office to reimburse "local governmental agencies or individuals participating in the training program in an amount equalling 1/2 of the sum total paid by them during the period established by the Office previous--first--year for tuition at training schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee." In addition to reimbursement for trainees, "the Office in each year shall reimburse the local governmental agencies participating in the training program for permanent fire protection personnel in the same manner as trainees for each such training program." (Section 10 of the Act)
- b) Section 10 Paragraph 540 of the Act also specifies that in the event that the annual appropriation for the reimbursement funding is insufficient to pay reimbursement in full (i.e., at the 50 percent level), "the appropriation shall be apportioned among the participating local governmental agencies." Further, "no local governmental agency which shall alter or change in any manner any of the training programs as promulgated under this Act or fail to comply with rules and regulations promulgated under this Act shall be entitled to receive any matching funds under this Act."
- c) Section 9 Par-539 of the Act mandates that local governmental agencies "shall require by ordinance that a trainee complete a basic course approved by the Office, and pass the State test for certification at the basic level within the probationary period as established by the local governmental agency" as a prerequisite to participate for reimbursement funding. "A certified copy of the ordinance must be on file with the Office."

(Source: Amended at 22 Ill. Reg. 1311, effective DEC 2 3 1997)

## Section 140.310 Requirements

The Office defines the minimum basic requirement to be completed by a recruit or trainee prior to becoming a permanent member of the fire department to be the Certified Firefighter II level. All local governmental agencies electing to participate for reimbursement funding must have firefighter trainees certified at the Firefighter II level by the end of their probationary period. The probationary period will be determined by the local governmental agency. The failure of any trainee to complete Firefighter II certification within the required probationary period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that

OFFICE OF THE STATE FIRE MARSHAL  
NOTICE OF ADOPTED AMENDMENTS

individual in the calendar fiscal year in which his probationary period ends.  
The individual may later become certified without reimbursement.

(Source: Amended at 22 Ill. Reg. 1311, effective  
DEC 23 1997)

Section 140.320 Claim deadline

Municipalities, Fire Protection Districts and individuals are encouraged to submit claims as soon as possible after the successful completion of any reimbursable training.

- a) Claims for reimbursement can be made only for training within dates specified by the Office and may not include prior or subsequent training.
- b) For a calendar fiscal year (January 1 - December 31) (city-1---June 30), the deadline for the receipt of claim forms is 5:00 p.m. on February 28 city-21.
- c) In the event that February 28 city-21 falls on a Saturday or Sunday, the claim forms must be received by the Office by 5:00 p.m. on the next business day preceding Friday.
- d) Claim forms must be received by the Office, and not mailed, by the specified dates. Any claim forms arriving after the deadline date will not be processed for reimbursement and will be denied.
- e) Claims for training from July 1, 1997 to December 31, 1997 must be submitted by March 2, 1998.

(Source: Amended at 22 Ill. Reg. 1311, effective  
DEC 23 1997)

Section 140.325 Amount of Reimbursement

The Office will reimburse up to 50 percent of the following costs:

- a) Salary  
1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (local governmental agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.
- 2) The formula for computing a trainee's hourly salary is yearly salary divided by the number of hours for which paid yearly salary. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.
- 3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.,

OFFICE OF THE STATE FIRE MARSHAL  
NOTICE OF ADOPTED AMENDMENTS

- A) Promotion  
100 hours @ \$4.65  
50 hours @ \$5.28  
OR  
100 hours @ \$4.65  
50 hours @ \$6.98
- B) 1 1/2 time overtime
- b) Tuition and/or registration fees.
- c) Food, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.
- d) Transportation costs, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.
- 1) If the course is five or more consecutive days and lodging is available (availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will reimburse for one round trip to the training center per week for the duration of the course.
- 2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day.
- 3) If the course is offered on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six consecutive weekends).

- A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.
- B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.
- 4) When more than one person from a department shares a ride to a training location with another individual, reimbursement will be provided for only one vehicle (i.e., reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools).

- e) Lodging, not to exceed lodging costs approved by the State Travel Regulations as promulgated by the Governor's Travel Control Board.
- f) The Office will reimburse for other expenses in the amount authorized for Office employees by the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the local governmental agency or individual whichever is less.
- g) For the figures in effect for a given calendar fiscal year, individuals, municipalities and Fire Protection Districts should contact the Office for a copy of the applicable travel regulations promulgated by the Department of Central Management Services and approved by the Governor's Travel Control Board (80 Ill. Adm. Code 2800), or their successors, for the calendar fiscal year.

(Source: DEC 23 1997 22 Ill. Reg. 1311, effective  
DEC 23 1997)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED AMENDMENTS

## Section 140.350 Appropriations

In accordance with the enabling legislation, in the event that appropriation for reimbursement for training of fire protection personnel is insufficient to meet all claims at the 50 percent level, all claims will be reduced proportionately and all claims will be paid in the same proportion. No more than 50 percent of the reimbursements distributed to local governmental agencies in any calendar year shall be distributed to local governmental agencies of more than 500,000 persons.

(Source: Amended at 22 Ill. Reg. 13.14, effective DEC 23 1997)

## Section 140.500 Fees

The Office hereby adopts the following fee schedule for the Division of Personnel Standards and Education:

Approval Review of Facilities (Sections 140.11 and 140.12)	\$ 0.00
Administering examinations, per examination (Section 140.8)	0.00
Review of equivalency courses (Section 140.18)	0.00
Review of Course Approval Requests (Section 140.15)	0.00
Fee for Certificates (all training levels)	0.00
Fee for special examinations not on regular schedule	300.00 ±88-6
(Source: Amended at 22 Ill. Reg. <u>13.14</u> , effective <u>DEC 23 1997</u> )	

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Data Collection
- 2) **Code Citation:** 77 Ill. Adm. Code 2510
- 3) **Section Numbers:** Adopted Action: 2510.70 Amendment
- 4) **Statutory Authority:** Section 4-4 of Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (20 ILCS 2215-4-4 an 2-3)
- 5) **Effective Date of Amendments:** December 23, 1997
- 6) **Does this rulemaking contain an automatic renewal date?** No
- 7) **Does this amendment contain an incorporation by reference?** No
- 8) **Date filed in agency's Principal Office:** December 19, 1997
- 9) **Notice(s) of proposal published in Illinois Register:** September 12, 1997, Issue 37, Page 12661.
- 10) **Has JCAR issued a Statement of Objection to this (these) rules?** No
- 11) **Differences between proposal and final version:** Changed "an" to "and" in Proposed Notice page #4; Changed "the amendment" to "This rulemaking"; added "that" after "price" and added commas after "cover and Minimum" in Proposed Notice page #5; corrected answer in Proposed Notice page #10; corrected answers to b and c in Proposed Notice page #12; corrected answer in Proposed Notice page #13; expanded the information per 9/3/97 fax in Emergency Notice page #8; added "that" after "price" 2nd line, added commas after "cover and Minimum" changed "the amendment" to "this Rulemaking" in Emergency Notice page 9; corrected answer in Emergency Notice page #11; corrected Source Note in line 52, strike "No such request shall be accepted by the Council prior to October 1, 1985." in lines 61 and 62; added "or a" before "hard copy report" in line 64; strike "the" and add "the" in line 74; add "(see Section 2510.70(g)(5))" after "rule" in line 106; strike "the provisions for" and add "subsection(g)(1)(D)" in line 149; strike "(fifty percent)" in line 193; capitalized "exception" as existing text, and underlined "An exception to this policy is that" in line 195; changed "Agencies" to "agencies in lines 197 and 198; strike "(twenty-five percent)" in line 211; strike "through 1991" and add "beyond" after "1997" in line 262; after "to" strike "the original guidelines covering the period" and add "this Part" in line 262; strike lines 263 and 264; strike "these Rules allow and add "this Part allows" in line 271; change "requests" to "Requests" in line 282; corrected spelling of "retrieve" in line 285; add comma after "constraints" in line 286; deleted 2nd "to" after exceptions in line 302; showed new language

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

underlined in line 308; strike "subsection" and add subsections and after "(g)(3)" add "and (g)(4)" in line 309; changed "Cartridge, Tape" to "cartridge, tape in line 319; and changed "or;" to "or;" in line 369.

12) Have all changes agreed to by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendment(s) replace emergency amendments currently in effect? Yes

14) Are there any other proposed amendments pending on this Part? No

15) Summary and purpose of rules: The amendment amends the pricing structure used for determining the price requesting entities will be charged for data products, resale of purchased data products and special requests. It will cover at a minimum the direct and indirect costs of acquiring information and of developing product reports or special analyses. These price increases reflect the agency's increase in overhead to create the data products. These increases will allow the agency to continue to supplement it's budget.

16) Information and questions regarding these adopted amendments shall be directed to:

Norman Roughley, Supervisor  
Health Care Industry Relations  
Information Services Division  
Illinois Health Care Cost Containment Council  
4500 South Sixth Street Road, Suite 215  
Springfield, Illinois 62703-5118  
217/786-7001, extension 108

The full text of the Adopted Amendments begins on the next page:

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## PART 2510

## DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Submission of Medicaid Cost Reports
2510.40	Collection of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	Format of the Financial Data Report
2510.85	Hospital Review
2510.90	Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX A	UB-82 Magnetic Media Record Format
APPENDIX B	UB-82 Uniform Bill Data Fields
APPENDIX C	UB-92 Magnetic Media Record Format
APPENDIX D	UB-92 Uniform Bill Data Fields
APPENDIX E	Ambulatory Surgical Magnetic Media Record Format Option 1/UB92 Form
APPENDIX F	Ambulatory Surgical Data Fields Option 1/UB92 Form
APPENDIX G	Ambulatory Surgical Magnetic Media Record Format Option 2/1500 Form
APPENDIX H	Ambulatory Surgical Data Fields Option 2
APPENDIX I	

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective August 10, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expiring on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16810, effective November 4, 1994;

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16046, effective November 17, 1995; amended at 20 Ill. Reg. 4727, effective March 6, 1996; emergency amendment at 21 Ill. Reg. 3277, effective February 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 8964, effective July 1, 1997; emergency amendment at 21 Ill. Reg. 12661, effective September 2, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 12926, effective DEC 23 1997.

## Section 2510.70 Special Studies and Analysis

- a) In addition to the quarterly reports, the Council shall respond to requests by agencies of government and organizations in the private sector for special studies and analysis (hereafter referred to as a "compilation of data") collected pursuant to Sections 2510.30 and 2510.50 of this Part. No such requests shall be accepted by the Council prior to October 1, 1995.
- b) For purposes of this Part, a compilation of data is defined as a magnetic tape, or diskette, CD-ROM, cartridge, or a hard copy report containing selected non-confidential data elements in a hard-copy report or both.
- c) The Council shall not release any information for special studies and analysis which is not permitted to be released for other purposes by the Act. No patient identifiable information shall be released. No hospital specific financial information shall be released except as provided in Section 2510.30 of this Part. Only the information which can be released under the requirements of the Act shall be released. Special studies and analysis shall not be subject to the Freedom of Information Act.
- d) All requests for compilations of data shall be made in writing to the Executive Director. The written request shall at least contain the name, address, and telephone number of the requester; a description of the requested compilation of data; a short, plain statement of the reason for the request; and the relationship of the requested compilation to a legitimate purpose. A "legitimate purpose" is a purpose consistent with the intent, policies, and purposes of the Act.
- e) The Council shall review each request for a compilation of data and determine whether to approve or deny the request. The Council shall notify the public of requests made for compilations by listing the requester, and providing a short description of the request on its official meeting agenda. Such requests shall be approved only by the vote of a majority of the members of the Council who shall designate the form in which the information shall be made available. The approval or denial by the Council of requests for compilations of data shall be within the discretion of the Council. The Council may deny a request for a compilation of data for reasons including, but not limited to, unavailability of data; the requested compilation of data

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

is already available from the Council or another source; the requested compilation of data would endanger patient confidentiality; or the request is not related to a legitimate purpose. No person or group may request such compilation of data concerning another person or group.

- f) The Council shall notify the requester in writing of its decision. Denial of a request shall include a brief explanation of the reason for the denial.
- g) The Council shall also determine a fee to be charged to the requesting entity which will cover at a minimum the direct and indirect costs of acquiring the information and of developing and producing the data product reports or special analyses. The Council shall establish prices by rule (see Section 2510.70(g)(5)) for each category of purchasers for each product and for the various terms under which such purchasers may wish to acquire products.
- 1) Definition of Terms

## A) Public Release Product

Products which the Council has determined may be released by staff without specific Council action on each order are referred to as Public Release Data Products. These products are said to be 'ordered' by the customer.

## B) Controlled Release Product

Products which the Council has determined may not be released by staff without specific Council action on each order are to be referred to as Controlled Release Data Products. These products are said to be 'applied for' by the customer.

- C) Data Products are to be made available in units covering a time period to which the data are applicable. Orders, applications, prices and release conditions shall be specific to the unit of product concerned. Unit or product for Public DataSet, Universal DataSet, and Research Oriented DataSet shall be calendar quarter. Unit of product for the Patient Origin DataSet shall be calendar year.

## D) Purchase

Data Products may be acquired for the single purpose and for the sole use of the ordering or applying entity. The Council filling an order or granting an application to a given entity shall be construed as giving permission for use only for the unit of product requested and, in the case of Controlled Release products, only for the purposes originally applied for. In granting such approval, the Council shall not be construed as giving permission for the ordering or applying entity to use the data released on behalf of any client, member, organization or other entity not specified in the original order or application.

## E) License

The Council may grant applications from corporations,



## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

vendors, or other organizations who wish to be licensed to acquire Council data and to release the information therein or derived therefrom to third parties. In the case of such licensure, the Council will grant explicit right to re-release excluded in subsection (g)(1)(D) the provisions for purchase, above. Licenses will be granted for specific purposes and classes of potential customers of the customer. Granting of a license for one purpose or one class of licensee shall not be construed as permission to release information to any other class of customer or for any other purpose. Licensees shall bear the burden of reasonable costs for the auditing of their accounts by the State or its agent for the purpose of ascertaining whether the terms of the license have been complied with.

## 2) Council Data Product Categories

- A) Public Release Products  
For the purposes of this Part, the Public Dataset, Patient Origin Dataset, and Custom Reports or DataSets based upon them are to be regarded as Public Release Products.
- B) Controlled Release Products  
For the purposes of this Part, the Universal Dataset, Research Oriented Dataset, and Custom Reports or DataSets based upon them are to be regarded as Controlled Release Products.

## 3) Categories of Purchasers/Licensees and the Terms of Payment

- A) Category I: Private and For-Profit Organizations  
Corporations, associations, coalitions, and other entities which are not chartered by the State or Federal governments to fulfill general or specific government functions and which function in whole or in part for the benefit of the owners, members, or sponsors of the corporation or organization shall fall into this category. Such purchasers and applicants shall pay the full price set by the Council for the unit of product concerned.
- B) Category II: Illinois General Assembly and the Executive Office of the Governor  
In consideration of the public information mandate of the Council and the contribution of the General Revenue Fund to the activities of the Council, this category of purchaser shall receive Council reports and data products free of charge.
- C) Category III: Illinois Government and Education  
Other units of Illinois State, county, and local government, as well as State-run educational institutions, shall be deemed to fall into this category. They shall be granted a 50% (fifty-percent) discount from the rate made above for Category I customers. An exception to this policy is that State of Illinois agencies (IDPA, IDPH, IDOL, etc.) shall

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

receive existing agency data products free of charge. All other requests made by State of Illinois agencies will not be free, but shall be subject to the 50% discount. Other exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

## D) Category IV: Other Government, Education, and Non-Profit Organizations

The federal government, governments of state and other political subdivisions outside of the State of Illinois, private educational institutions, and non-profit corporations shall be deemed to fall into this category. They shall be granted a 25% (twenty-five-percent) discount from the rate made above for Category I customers. Non-profit corporations which purchase or license:

- (i) on behalf, either in whole or in part, or  
(ii) for the substantial benefit, of for-profit entities shall not be deemed to be included in this category. Rather, such entities will be included in Category I. Exceptions to this policy may be made when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity.

## E) Category V: Hospital Data Requests

Illinois hospitals requesting access to final edited claims information from the Council, for purposes other than the hospital review process as required by Statute, Rule, and agreement, may purchase this data from the Council. Prices for hospitals for other products shall be as put forth for Category I, except in cases in which other agreements may be in place.

The Council, acting upon the evidence presented, shall determine the category in which any given customer shall be placed.

- 4) Volume Discounts  
The Council shall provide for a 25% discount if a total of 4 quarters are ordered or applied for in the case of products for which the unit of product is a calendar quarter.

## 5) Category I Prices

Subject to discounts as set forth in subsections (g)(3) and (g)(4) above, customers shall pay all or part of the Class I fees set forth in the table below.

Product	Category I Price
Public Dataset (Tape)	\$1,500/quarter
Public Dataset (Diskette/Region)	\$750/Region

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

Universal DataSet	\$2,000/quarter
Research Oriented DataSet	\$3,000/quarter
Patient Origin DataSet	\$450/calendar year
Hospital Data Requests	\$500/quarter
DRG Analyst	\$800/quarter

- 6) Use for Additional Purpose Requires Additional Approval and Fee. The prices and discounts set forth in this Part pertain to all applications for use. A purchaser having once paid the appropriate fee for one use must re-apply for use for any other purpose and make payment as shown in this Part for the additional use.
- 7) Revisions in Pricing. The Council will, from time to time, examine and may modify the prices set forth in this Part. All data products for the discharge time periods 1987 and beyond through 1993 shall be priced according to this Part the original guideline covering the period all products for subsequent quarters shall be priced according to this Part.
- 8) Payment Terms. Payment by check or money order is required at the time the order or application is filed with the Council. The Council shall refund payments to applicants to which the Council votes not to release the data which are applied for.
- 9) Council Not Required to Perform Studies. While this Part allows these Rules allow for applicants to request specific file formats and report layouts the Council shall not accept applications to provide such unless it deems that it is in the best interest of the Council to do so, and analysis shall be provided by the Council only when appropriate. The requester cannot reasonably be expected to determine the result through purchase of an existing Data Product or an Estimated Report or DataSet.
- 10) Special Data Request Fee Structure. Data requests accepted by the Council will be processed as follows:

## A) Simple Requests

These are "no fee" inquiries that take less than three hours to complete, are reasonable in length and can be retrieved by staff from existing reports on their computers. Subsets to other resource constraints such requests shall be completed for consumer for personal use and for commercial entities as the time period. When the Council does determine that it will perform a standard study for a requester, the requester shall pay the Council's estimated direct costs with a surcharge of 35% for indirect costs in advance of the performance of the study.

## B) Complex Requests

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

These are "for fee" inquiries that exceed guidelines for Simple Requests, require programmer time to extract the information requested and are subject to other resource constraints. A \$50 non-refundable application fee must be submitted with each application. The \$50 application fee will be deducted from the final cost of the data should the applicant agree to accept IHCCC's charge proposal. The Council may grant exceptions to this policy when there is a working agreement between the Council and a requesting entity. When such an agreement is in effect, it shall govern the charge which shall be made to the requesting entity. In addition, at its discretion, apply discounts to the charges assessed requesters of this sort of service will apply consistent with with those set forth in subsections (g)(3) and (g)(4) above.

The charges for compiling the data will be based on the resources required to produce the request and are based on the table below.

Resources	Hours/Units	Cost Per Hour
Programming	1-5	\$ 80
Research	1	\$ 50
Administrative	1	\$ 20
Media*	1	\$ 10
CPU Usage**	1	\$255

\*Media: 1 unit=diskettes, CD-ROM, cartridge, tape  
 \*\*CPU: 1 unit=CPU seconds to process 1 matter of data (approximately 0.75 million records)

11) Pursuant to subsection (g)(1)(E) above, the Council may grant licenses to entities wishing to re-release data acquired from the Council or information derived therefrom. Such licenses are to be given for specified products and units of product. Licenses shall also be specific as to the purpose for which the data will be used by the licensee and those third parties to whom the licensee anticipates re-releasing information. Licenses for controlled release products shall be specific as to the class of third parties to whom the licensee may release the information. Having been granted permission for one product, unit of product, purpose or class of customer/third party, a licensee will need to re-apply and make additional payment for additional products, units of product, purposes and classes of customers. In addition, for each product for which permission is granted, the licensee shall cite the Council as the source of the data and indicate to each customer (third party purchaser) how datasets, in part or in full, can be obtained directly from the Council.

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

- A) Fee Basis  
Licensees shall be granted for a base fee to be paid by the licensee regardless of the number of third parties to whom the licensee intends to release the information, as well as the per-customer fee for each customer. At the time of application for license, the prospective licensee shall state who the prospective customers are and pay the base fee and per-customer fees known at the time of application. Subsequently, the licensee shall pay the per-customer fee to the Council in advance of releasing information to the customer for each customer to whom the licensee releases information.
- B) Public and Controlled-Release Licenses  
Licensees of Public Release Products may make the release to third parties contingent only upon making payment to the Council and good standing with the Council in performance of stipulated responsibilities in the license agreement. Licensees of Controlled Release Products must also have advance Council permission for release to each individual customer, unless otherwise agreed to by the Council in the license agreement. In addition, rerelease of Partial IHCCC datasets will be considered by the Council on a case by case basis.
- C) Base-and Per-Customer Fees by Product  
Subject-to-discounts-as-set-forth-in-subsections-(g)(3)--and-(g)(4)--above, licensee shall pay all or part of the base fees set forth in this Part. Per Customer Fees will be the greater of:
- 20% of the licensee's gross receipts; or
  - 20% of the Council's selling price for such data to the licensee.
- Per customer fees shall not be subject to \$1000-per-category---customer---with discounts as set forth in subsections (g)(3) and (g)(4) above based---upon---the for-profit status of the individual customer.
- 12) Revisions in License Fees  
The Council will, from time to time, examine and may modify the fees set forth in this Part.
- A) On the effective date of this rulemaking, all licenses for the discharge time periods of 1987 through 1991 shall have the prices as set forth in this Part.
- B) The Council shall make fee changes for subsequent calendar years coincident with availability of data for the first quarter of the newest calendar year.
- C) Fees set for the newest calendar year shall not apply to licenses already in force for prior discharge years.
- h) Basis of Charge for Other Services and Products of the Council
- Inpatient Discharge Data Quarterly Reports

## ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

## NOTICE OF ADOPTED AMENDMENTS

- A) The hardcopy version of these reports is to be made available on an annual (four quarter) subscription basis for \$75. Requests for all or part of quarterly reports which are made on an ad hoc as opposed to subscription basis shall be filled at a charge of \$25 per quarter.
- B) The diskette version of these reports is to be made available on an annual (four quarter) subscription basis for \$225. Requests for all or part of quarterly reports which are made on an ad hoc as opposed to subscription basis shall be filled at a charge of \$75 per quarter.
- C) Only the Category III discount to the Office of the Governor and the General Assembly is to be applied to these products.
- Seminars, Colloquia, and Other Meetings  
In order to offset the costs of presenting informational programs to the public and to Council constituencies, the Council may charge a fee to participants covering the reasonable costs of presentation materials and equipment, guest presenters expenses, travel expenses of Council Staff, and meeting facilities. At the request of participants, the Council may also negotiate group rates for accommodations and amenities at such meetings and pass the cost and overhead along to participants in the fee charged for attendance.
  - DRG Analysis
  - All categorical and annual discounts shall apply to this product.
  - Other Services and Products  
To the extent that the General Assembly appropriates to the Council from the Special Studies Revolving Fund moneys sufficient to perform other services and provide other products not conflicting with the intent of the Health Finance Reform Act and Administrative Rules, the Council may provide such products and services for a fee. The fees to be assessed shall be reasonable in view of the value of services performed, shall be collected by methods and procedures approved by the Executive Director, and shall cover the full cost of providing the goods and services.
- (Source: Amended at 22 Ill. Reg. 13, effective DEC 23 1997)

HUMAN RIGHTS COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedural Rules
- 2) Code Citation: 56 Ill. Adm. Code 5300
- 3) Section Numbers: Adopted Action:  
5300.730 Amended  
5300.750
- 4) Statutory Authority: Implement Article 8 and authorized by Section 8-102(E) of the Illinois Human Rights Act (775 ILCS 5/8-102(E)).
- 5) Effective Date of Rulemaking: January 1, 1998
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 22, 1997
- 9) Notice of Proposal Published in Illinois Register: August 1, 1997, 31 Illinois Register 12372.
- 10) Has JCER issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Minor editorial changes.
- 12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The proposed amendment of Section 5300.750(b)(4) will specify that a motion to compel a Department of Human Rights employee to testify shall be served on the Department "to the attention of its Chief Legal Counsel."
- 16) Requests for information and questions regarding these adopted amendments shall be directed to:

Name: Ruth Giles Ott  
Address: Assistant General Counsel  
Illinois Human Rights Commission  
100 West Randolph Street  
Suite 5-100  
Chicago, IL 60601  
Telephone: (312)814-5188

HUMAN RIGHTS COMMISSION  
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendment begins on the next page:

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER XI: HUMAN RIGHTS COMMISSION

## PART 5300

## PROCEDURAL RULES

## SUBPART A: INTERPRETATIONS

Section  
5300.10  
5300.20  
5300.30  
5300.40  
5300.50

Definition of Terms  
Computation of Time  
Service of Pleadings  
Filing  
Separability

## SUBPART B: RECORDS AND WITNESSES

Section  
5300.210  
5300.220

Subpoenas  
Access to Commission Records

## SUBPART C: SETTLEMENTS

Section  
5300.310  
5300.320  
5300.330

Settlement Agreements  
Consideration by Commission  
Non-Compliance

## SUBPART D: REQUEST FOR REVIEW

Section  
5300.400  
5300.410  
5300.420  
5300.430  
5300.440  
5300.450  
5300.460  
5300.470  
5300.480  
5300.490  
5300.495

Applicability of the Subpart  
Filing with Commission  
Notice by Commission  
Response by Department  
Reply to Response  
Extensions of Time  
Consideration of Request for Review  
Additional Information or Referral for Hearing  
Decision  
Tolling of Time Period  
Pending Requests

## SUBPART E: HEARINGS

Section  
5300.510  
5300.515

General  
Election to Proceed Under the Alternative Hearing Procedure

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

5300.520  
5300.530  
5300.540  
5300.550  
5300.560  
5300.570

Conduct of Hearing  
Powers and Duties of Administrative Law Judge  
Ex Parte Communications  
Form of Pleadings and Other Papers (Repealed)  
Appearances  
Place and Manner of Filing Papers (Repealed)

## SUBPART F: COMPLAINT AND ANSWER

Section  
5300.610  
5300.620  
5300.625  
5300.630  
5300.640  
5300.650  
5300.660

Filing of Complaint  
Service of Complaint  
Elections in Real Estate Transaction Cases  
Notice of Hearing  
Answer  
Amendments to Pleadings  
Substitution and Addition of Parties

## SUBPART G: DISCOVERY AND PRACTICE

Section  
5300.710  
5300.715  
5300.720  
5300.725  
5300.730  
5300.735  
5300.740  
5300.745  
5300.750  
5300.760  
5300.762

Prehearing Memorandum  
Discovery for Alternative Hearing Procedure Matters  
Discovery  
Filing of Disclosure Information and Discovery Material  
Motions and Objections  
Summary Decision  
Interlocutory Appeals  
Admission of Fact or of Genuineness of Documents  
Hearing Procedures  
Preparation of Recommended Order and Decision  
Preparation and Issuance of Final Order in Alternative Hearing  
Procedure Proceedings  
Petitions for Fees and/or Costs  
Settlement (Repealed)  
Voluntary Dismissal  
Authority for Sections 5300.783-5300.787 (Repealed)  
Fees and Costs (Repealed)  
Motion for Fees or Costs (Repealed)  
Responses to Motions for Fees or Costs (Repealed)  
Supplemented Record (Repealed)

## SUBPART H: PRACTICE IN FRONT OF THE COMMISSION

Section  
5300.805  
5300.810

Scope of Motion Practice  
Recommended Order Not Final (Renumbered)



## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Form of Motions and Objections  
 Exceptions to Recommended Order (Renumbered)  
 5300.825  
 Presentation of Motions  
 Responses to Exceptions (Renumbered)  
 5300.830  
 Emergency Motions  
 Extension of Time (Renumbered)  
 5300.840  
 Agreed Motions and Orders  
 Oral Argument (Renumbered)  
 5300.845  
 Extension of Time  
 Form of Pleadings and Other Papers (Renumbered)  
 5300.855  
 Style of Documents for Commission Consideration  
 Ex Parte Communications (Renumbered)  
 5300.865  
 Brief of Department (Renumbered)  
 5300.870  
 5300.880

## SUBPART I: REVIEW OF RECOMMENDED ORDER AND DECISION

Section  
 5300.910  
 Finality of Recommended Order  
 5300.920  
 Exceptions to Recommended Order  
 Responses to Exceptions  
 5300.930  
 Extensions of Time  
 5300.940  
 Acceptance of the Recommended Order for Review  
 5300.945  
 Oral Argument  
 5300.950  
 Form of Pleadings and Other Papers  
 5300.960  
 Ex Parte Communications  
 5300.970  
 Brief by Department  
 5300.980

## SUBPART J: REMANDMENT

Section  
 5300.1010  
 Request to Present Additional Evidence  
 5300.1020  
 Motion for Rearing Before an Administrative Law Judge  
 5300.1030  
 Remandment on the Commission's Own Motion  
 5300.1040  
 Remand Proceedings  
 5300.1050  
 Rearing Before Full Commission (Renumbered)  
 5300.1060  
 Modification of Commission Order (Renumbered)

## SUBPART K: ORDER AND DECISION OF THE COMMISSION

Section  
 5300.1110  
 Commissioners Participating  
 5300.1120  
 Standard of Review  
 5300.1130  
 Proposal for Decision  
 5300.1140  
 Order and Decision  
 5300.1145  
 Interest  
 5300.1150  
 Rearing Before Full Commission  
 5300.1160  
 Modification of Commission Order  
 5300.1170  
 Interlocutory Appeals

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Articles 8, 8A and 8B and authorized by Section 8-102(E) of the Illinois Human Rights Act (775 ILCS 5/8-102(E) and Arts. 8, 8A and 8B).

SOURCE: Filed November 15, 1975 by the Fair Employment Practices Commission; emergency amendment at 2 Ill. Reg. 12, P. 11, effective March 24, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 9, P. 40, effective March 1, 1979; amended at 3 Ill. Reg. 15, P. 100, effective April 9, 1979; transferred to the Human Rights Commission by the Illinois Human Rights Act, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 39, P. 334, effective September 17, 1980; for a maximum of 150 days; amended at 5 Ill. Reg. 2709, effective March 2, 1981; amended at 7 Ill. Reg. 9298, effective July 25, 1983; codified at 8 Ill. Reg. 18887; amended at 9 Ill. Reg. 6207, effective April 24, 1985; amended at 16 Ill. Reg. 7838, effective June 1, 1992; emergency amendment at 20 Ill. Reg. 410, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 7820, effective June 1, 1996; amended at 22 Ill. Reg. 1, effective JAN 01 1998.

## SUBPART G: DISCOVERY AND PRACTICE

## Section 5300.730 Motions and Objections

- a) Motions and objections directed to the Administrative Law Judge pursuant to the authority granted in Section 5300.530(b) of this Part may be stated in writing or on the record except for a motion to amend the pleadings pursuant to Section 5300.650(a) of this Part, which must be in writing.
  - 1) A written motion shall briefly state the Order or relief requested and the specific grounds upon which relief is sought.
  - 2) A written motion shall be served at the same time upon all Parties and filed at the Commission office of the Administrative Law Judge to whom it has been directed.
  - 3) The following motions shall also be served upon the Department:
    - A) Motion to dismiss and any response thereto pursuant to Section 5300.640(b) of this Part;
    - B) Motion to amend the pleadings pursuant to Section 5300.650(a) of this Part; and
    - C) Motion to allow a Commission or Department employee to testify at a hearing pursuant to Section 5300.750(b)(1) to 5300.750(b)(3) of this Part.
- b) Except as provided in subsection (f) of this Section, for motions to dismiss the Complaint and motions for summary decision, responses to written motions may be filed by any Party within five days after service of the motion, or within such other period as the Administrative Law Judge may order, and shall be served at the same time upon all other Parties. In deciding whether to extend the period for responding to the motion, the Administrative Law Judge shall consider the complexity of the issues raised by the motion, and the

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

ability of the responding Party to file a response within the five day period. Except under extraordinary circumstances, the time for responding to a motion shall not exceed 45 days. The Administrative Law Judge may, on his/her own motion or motion of the Department, enter an Order permitting the Department to file a response to a written motion. In deciding whether to allow the Department to file a response, the Administrative Law Judge shall consider:

- 1) Whether resolution of the motion raises issues beyond those involved in the specific case;
- 2) Whether the Department has an interest different from that of the Complainant or Respondent; and
- 3) Whether the Department can articulate a particular point of view better than one of both Parties.

c) Written motions and responses thereto should set forth the arguments and authorities relied upon to permit the Administrative Law Judge to make a decision without oral argument on the motion.

d) Except as provided in subsection (f) of this Section for motions to dismiss and motions for summary decision, except as to motions arising out of Complainants proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act and except for those motions made in the course of public hearing, all motions arising out of Complainants in which the site of the alleged civil rights violation is in Cook County shall be heard at the Commission's office in Chicago. Written Notice of Hearing on such motion shall be filed at the Commission's office in Chicago, along with a copy of the motion and served upon all Parties and also upon the Department as specified in subsection (a) of this Section. The Notice of Hearing on the motion shall show the name of the Administrative Law Judge before whom the date and time when the motion shall be presented. The motion shall be in writing and a copy of the motion or a statement that it previously has been served shall be served with the notice. Copies of all papers to be presented to the Administrative Law Judge with the motion shall be served with the notice or the notice shall state that copies have previously been served. The moving Party shall schedule the motion for hearing by entering the case name, AUS number and the nature of the motion in the motion book in the Commission's Chicago office.

- 1) If notice of hearing is given by personal service, the notice shall be delivered before 4:00 P.M. on the second State business day preceding the hearing of the motion.
- 2) If notice is given by mail, the notice shall be deposited in a United States Post Office or Post Office Box no later than the fifth State business day preceding the hearing of the motion. The certificate of service attached to the motion will be prima facie proof of the date the notice is placed in a Post Office Box.

e) All motions arising out of Complainants in which the site of the alleged civil rights violation is outside Cook County and all motions arising out of Complainants proceeding under the alternative hearing procedure

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

of Section 8A-102.5 of the Act shall be governed by the procedures specified in subsections (a), (b) and (c) of this Section. These motions shall not be noticed for hearing at the Commission's office in Chicago; however, if all of the Parties to a Complaint, except to a Complainant proceeding under the alternative hearing procedure of Section 8A-102.5 of the Act, in which the site of the alleged discrimination is outside Cook County agree to appear for a hearing on a motion at the Commission's Chicago office, the procedure specified in subsection (d) of this Section may be utilized.

- f) Regardless of the site of the alleged civil rights violation, all motions to dismiss the Complaint and all motions for summary decision shall be filed and responded to in accordance with the procedures set forth in subsections (a), (b), and (c) of this Section.
- g) All motions on Complaints proceeding under the alternative hearing procedure shall be decided by the selected Administrative Law Judge based on the written motions and responses thereto only, except when the Administrative Law Judge deems oral argument useful; then, the Administrative Law Judge shall issue an Order setting a date and time for the motion to be argued. Such oral argument may be set at a Commission office or by telephone conference hearing.

(Source: Added 22 Ill. Reg. 133.3, effective JAN 01 1998)

## Section 5300.750 Hearing Procedures

- a) Adverse Witness -- At the hearing, a witness may be called and examined as if under cross-examination in the same manner and circumstances as provided in Section 2-102 of the Code of Civil Procedure (735 ILCS 5/2-102).

- b) Testimony and Evidence

- 1) All testimony taken at the hearing shall be under oath or affirmation.
- 2) All testimony and other evidence shall be subject to the same rules of evidence as are applicable in courts of record in the State of Illinois.

- 3) Compelling Appearances of Parties at Hearing - The appearances at the hearing of a Party or a person who at the time of the hearing is an officer, director, or employee of a Party may be required by serving the Party with a notice designating the person who is to appear. The notice also may require the production at the hearing of documents or tangible things. If the Party or Person is a non-resident of the county, the Administrative Law Judge may order any terms and conditions in connection with its appearance at the hearing that are just, including payment of its reasonable expenses. Upon a failure to comply with the notice, the Administrative Law Judge may enter any Order that is just.

- 4) No Commission or Department employee shall testify on behalf of a

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Party at a hearing with respect to the contents of any files, documents, reports, memoranda or records of the Commission or Department or of the results of any investigation conducted by the Department except upon Order of the Administrative Law Judge. Any Party may apply for such an Order in the form of a motion and such motion shall identify the Commission or Department employee whose testimony is desired, the nature of such person's testimony, and the specific purpose to be served thereby. The motion will be granted only upon a showing that the information to be elicited from such testimony is admissible and cannot be obtained through other means. A motion to compel a Department employee to testify shall be served by the movant on the Department to the attention of its Chief Legal Counsel.

5) No testimony or other evidence concerning attempts to settle or adjust an alleged civil rights violation shall be given or received in any hearing without the written consent of all Parties.

6) Written stipulations, signed by the Parties to be bound thereby, may be introduced in evidence. Oral stipulations may be made on the record.

c) Record of Proceedings -- The Commission shall arrange for a record of the proceedings to be made, transcribed and filed in the Chicago or Springfield office of the Commission. Any such record will be made available for examination by the public in either the Chicago or Springfield office upon reasonable notice.

d) Briefs and Oral Argument -- At the conclusion of the evidence, the Administrative Law Judge shall permit the Parties to argue orally and/or submit such briefs or proposed findings of fact and conclusions of law within such time as the Administrative Law Judge may determine. The Department may request leave to file an amicus brief upon an issue presented by the record in a hearing wherein it is not a Party, upon motion to the Administrative Law Judge, which motion shall be served on all Parties. Such motion shall be granted, and a briefing schedule ordered, if, in the opinion of the Administrative Law Judge, the interests of justice would be served thereby. Each Party filing a brief shall file it with the Administrative Law Judge and at the same time serve copies upon all other Parties.

e) Sanctions for Unreasonable Conduct -- Should a Party fail to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuse to comply with any Order entered under this Part, or otherwise engage in conduct which unreasonably delays or protracts proceedings, the Administrative Law Judge may file a recommendation of dismissal with prejudice or default or other appropriate Order imposing sanctions as justice may require, including requiring the offending Party or attorney to pay the reasonable expenses and attorney's fees incurred by any other Party as a result of the misconduct. In a case proceeding under the alternative hearing procedure, the Administrative Law Judge may issue a Final Order

## HUMAN RIGHTS COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

containing any sanction for unreasonable conduct which the Commission may impose under this Section.

(Source: Amended 22 Ill. Reg. 133 effective  
JAN 01 1988)

DEPARTMENT OF HUMAN RIGHTS  
NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part: Access to Information2) Code Citation: 2 Ill. Adm. Code 9263) Section Number: Proposed Action:  
926.210 Amendment4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Freedom of the Information Act [5 ILCS 140/1 et seq.], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 5/7-105(A)].5) Effective Date of Rule(s): December 29, 19976) Does the rulemaking contain an automatic repeal date? No7) Does this contain incorporations by reference? No8) Date filed in Agency's Principal Office: December 19, 19979) Notice(s) of Proposal Published in Illinois Register: None10) Has JCER issued a Statement of Objection to these rules? No11) Difference(s) between proposal and final version: None12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? None13) Will this rule replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of the Rule(s): The proposed rules clarify procedures for when people may obtain information and/or documents from the Department and clarify what documents are privileged.16) Information and questions regarding these adopted amendments shall be directed to:David T. Rothal  
Staff Attorney  
Illinois Department of Human Rights  
100 West Randolph Street  
Suite 10-100  
Chicago, IL 60601  
Telephone Number: 312-814-6242  
T.D.B.: 312-263-1579DEPARTMENT OF HUMAN RIGHTS  
NOTICE OF ADOPTED AMENDMENTSThe full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE D: CODE DEPARTMENTS  
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

## PART 926

## ACCESS TO INFORMATION

## SUBPART A: GENERAL PROVISIONS

Section  
926.10 Summary and Purpose (Repealed)

926.20 Definitions (Renumbered)

926.110 Publications (Repealed)

926.120 Speakers Bureau (Repealed)

926.130 Requests and Inquiries (Repealed)

926.200 Definitions

926.210 Investigation Records

926.220 Conciliation Records (Repealed)

926.230 Public Contracts Records

926.231 Other Record Systems

926.235 Access by Government Agencies

926.236 Copies

## SUBPART B: FOIA

926.240 Other Record Systems (Renumbered)

926.235 Requests for Access to Records

926.260 Response to Request

926.270 Appeal of Denial of Access

926.280 Copies (Renumbered)

926.290 Access by Governmental Agencies (Renumbered)

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act (5 ILCS 100/5-15) and The Freedom of Information Act (5 ILCS 140/1 et seq.), and authorized by Section 7-101(A) of the Illinois Human Rights Act (775 ILCS 5/7-101(A)).

SOURCE: Access to Records rules adopted November 17, 1975, by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, P. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 7 Ill. Reg. 7940, effective July 1, 1983; repealed by operation of law October 1, 1984; new rules adopted at 8 Ill. Reg. 20678, effective October 10, 1984; amended at 18 Ill. Reg. 512, effective January 4, 1994; expedited correction at 20 Ill. Reg. 7559, effective May 20, 1994; expedited correction at 20 Ill. Reg. 7559, effective May 20, 1994; adopted at 22 Ill. Reg. 1446, effective December 20, 1997.

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART A: GENERAL PROVISIONS

## Section 926.210 Investigation Records and Files

All the contents of any files maintained by the Department pertaining to charges--including--but--not--limited--to--all--documents--statements--notes--memoranda--correspondence--exhibits--and--any--reports--or--summaries--prepared--by--or--on--the--behalf--of--the--Department--as--well--as--the--identities--of--any--parties--or--witnesses--in--such--matters--shall--be--confidential--and--not--subject--to--public--disclosure, except that:

- a) the parties to any charge may inspect portions of a any--such--file--upon--making--arrangements--with--the--Department--at--any--time--subsequent--to--the--Department's--written--notification--of--Substantial--Evidence--or--dismissal--or--administrative--closure--of--the--charge--or--after--filing--a--complaint--a--petition--for--entry--of--a--default--order--or--a--settlement--agreement--with--the--Human--Rights--Commission--excluding--However--the--Department--shall--not--allow--parties--to--inspect--inspect--certain--materials--which--include--but--are--not--limited--to:
  - 1) internal memoranda;
  - 2) work papers and draft documents;
  - 3) or notes, including staff notes;
  - 4) or--other materials reflecting the deliberative processes, mental impressions, or legal theories and advice of the Department;
  - 5) material generated in preparation for judicial or administrative Commission proceedings except--as--authorized--under--applicable discover--rules; or
  - 6) notes concerning confidential witness and/or the identities of any confidential witnesses; and
  - 7) any documents maintained by the Department pertaining to conciliation mediation, or other settlement effort conducted upon any charge, including but not limited to any reports furnished to or prepared by the Department in connection with such conciliation efforts, unless all parties and the Department agree in writing to disclose and to the persons to whom they may be disclosed.

Parties to a charge may inspect materials which are disclosable pursuant to this subsection only after all of the allegations of the charge have been disposed of by the following: filing of a complaint on--allegations--of--the--charge; dismissal of allegations of a charge; entry of a final order on a request for review; approval of terms of settlement by the Human Rights Commission; or entry of an order of default by the Human Rights Commission based on a petition for default filed by the Department.

- b) upon request the Department may acknowledge publicly the existence of a charge, including the names of the parties and the stage of proceedings at which it is pending;
- c) after the filing of a complaint with the Commission or the institution of judicial proceedings involving a charge, the Director may release



## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF ADOPTED AMENDMENTS

information pertaining to the charge if:

- 1) such information is requested of the Department, or
- 2) the Director finds such information newsworthy, useful in education or training materials, relevant to an issue before the General Assembly, or similarly appropriate for disclosure;
- d) if the Director determines that the disclosure of such information is in the public interest, at any stage of proceedings, the Director may authorize release; however, documents which are privileged pursuant to subsection a) of this Section may not be disclosed unless the Director finds in writing that this disclosure would be in the public interest;
- e) the Director may authorize the release of information in a file to litigants for use in litigation;
- f) notwithstanding any other provision of this Section, the Director may assert a privilege with respect to any item available for inspection by a party hereunder if disclosure might jeopardize or prejudice pending proceedings or reveal the identity of a confidential informant, or if such item otherwise qualifies for a privilege against disclosure under applicable law.

(Source: Adopted at 22 Ill. Reg. 13433 effective DEC 29 1997)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: Adopted Action:  
304.222 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Rule(s) (Amendments, Repealer): December 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: December 19, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 8780, July 11, 1997
- 10) Has JCPR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes raised upon by the Agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): A more detailed description is contained in the Board's Proposed Opinion of December 18, 1997 in R37-25, which is available from the Board at the address specified in question #16 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act (415 ILCS 5/28.2). These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality standards and procedures for the derivation of criteria.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 16) Requests for information and questions regarding this adopted rule shall be directed to:

Marie E. Tipbord  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 304

## EFFLUENT STANDARDS

## SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND  
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of The Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberg Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 304.216 Newton Station Suspended Solids Discharges  
 304.218 City of Pana Phosphorus Discharge  
 304.219 North Shore Sanitary District Phosphorus Discharges  
 304.220 East St. Louis Treatment Facility, Illinois-American Water Company  
 304.221 Ringwood Drive Manufacturing Facility in McHenry County  
 304.222 Intermittent Discharge of TRC

## SUBPART C: TEMPORARY EFFLUENT STANDARDS

## Section

- 304.301 Exception for Ammonia Nitrogen Water Quality Violations (Repealed)  
 304.302 City of Joliet East Side Wastewater Treatment Plant  
 304.303 Amerock Corporation, Rockford Facility

## APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act (415 ILCS 5/13, 11(b) and 27).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, P. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, P. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, P. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, P. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, P. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1995; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1995; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1995; amended in R97-25 at 22 Ill. Reg. 1379, effective \_\_\_\_\_

DEC 19 1997

SUBPART B: SITE SPECIFIC RULES AND  
 EXCEPTIONS NOT OF GENERAL APPLICABILITY

## Section 304.222 Intermittent Discharge of TRC

The acute TRC water quality standard of 35 Ill. Adm. Code 302.208 and 302.501(a) by operation of Section 304.105 shall not apply to any discharge which contains TRC solely as the result of intermittent usage for antifoaming purposes related to the operation of condensers and cooling systems. For the purposes of this Section usage of chlorine or related substances as antifoam TRC shall be deemed to be intermittent if usage is restricted to a maximum of two hours per day per condenser or cooling system unit. Discharge concentration of TRC averaged or composited over the discharge period shall not exceed 0.2 mg/l nor shall the TRC concentration exceed 0.5 mg/l at any time.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_)

DEC 19 1997

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Water Quality Standards
- 2) Code Citation: 35 Ill. Adm. Code 302
- 3) 

Section Number:	Adopted Action:
302.101	Amended
302.105	Amended
302.501	Amended
302.502	Amended
302.503	Amended
302.504	Amended
302.505	Amended
302.507	Amended
302.508	Amended
302.510	New
302.515	New
302.520	New
302.521	New
302.525	New
302.530	New
302.535	New
302.540	New
302.545	New
302.550	New
302.553	New
302.555	New
302.560	New
302.563	New
302.565	New
302.570	New
302.575	New
302.580	New
302.585	New
302.590	New
302.595	New
- 4) Statutory Authority: 415 ILCS 5/27
- 5) Effective Date of Rule(s) (Amendments, Repeal): December 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repeal) contain incorporations by reference?  
Yes

If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking? No approval from JCAR was necessary as all the incorporations are pursuant to Section 6.02(a) of the Illinois Administrative Procedure

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

- Act.
- 8) Date Filed in Agency's Principal Office: December 19, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 8785
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version:

In table of contents Section 302.507, add "Thermal Standard for".  
In table of contents Section 302.508, add "Thermal Standard for".  
Section 305.520 was renumbered to Section 302.521. A new Section 302.520 was added entitled "Regulation and Designation of Bioaccumulative Chemicals of Concern" ("BCCs").  
In table of contents of 302.520, delete the quotations marks on ("BCCs").  
In table of contents of 302.555, move "(DMARCI)" to before the colon.  
In table of contents of 302.560, add "Life" after "Aquatic".  
In table of contents of 302.563, add "Toxicity" after "Life".  
In Section 302.501(b), add a comma after "Acceptable endpoints"; in paragraph "Baseline BCF" delete "that"; in paragraph "BCC" delete "which", add "and" that after "effect", change "physicochemical" to "physiochemical"; in paragraph "BSAF" add "the" after "in"; in paragraph "Food Chain" add a comma after "eaten".  
Section 302.501 added:  
"Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.  
At each throughout, change "Open waters" to "Open Water"; change "Source Contribution" and "Indigenous Species" to lower case.  
In Section 302.501(b), in paragraph "RAD" delete the parentheses; in paragraph "TP" change "Dose" to lower case; in paragraph "TU(a)" change "Unit Acute" to lower case and change "TU" to "TU", add a comma after "Period"; in paragraph "TU(c)" change "Unit Chronic" to lower case and change "TU" to "TU", change "Coriodaphnia" to "Coriodaphnia".  
In Section 302.502, add commas after "saturation" and "causes".  
In Section 302.503, add commas after both "9.0" and the first "causes".  
In Section 302.504(a), add a comma after "exceeded", change "Section" to "Sections" and delete "levels" and replace with "concentrations".  
In Section 302.504(a), replace "representative" with "representation", replace "Availing New Value" with "N/A" and change "Acid Dissociable" to lower case.  
In Section 302.504(a), Formula, delete ", and".  
In Section 302.504(c), delete "in any individual sample" and add "at any time", delete ", added new subsection (d) and renumbered (d) to (e)".  
In Section 302.504(e), replace "representative" with "representation", replace "1.8" with "3.1" and replace "6.7" with "26".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

In Section 302.504(e), delete the comma.  
 In Section 302.504(e) Table, change "Units" to "Unit".  
 In Section 302.507, add to the title of the Section "Thermal Standards for".  
 In Section 302.507(c), add "c" after "1.7".  
 In Section 302.508, add to the title of the Section "Thermal Standards for".  
 In Section 302.510(a), delete the period after "2005".  
 In Section 302.510(b), delete the comma after "D.C.", delete the period after "20402", delete the comma and insert a comma after "g".  
 Add new Section 302.520.  
 In Section 302.521(a), change "Pub. L." to "P.L.".  
 Throughout changed "Illinois Department of Transportation" to "Department of Natural Resources".  
 In Section 302.521(a)(2), add "are equal to or" after "90C" and before "exceed".  
 In Section 302.521(a)(2)(C), change "foregone" to "forgone".  
 In Section 302.525(b), change "lifer" to lower case.  
 In Section 302.530, change "the effective date of this rule" to "December 24, 1997".  
 In Section 302.535(a) and (b), change "must" to "shall".  
 In Section 302.535(c), capitalize "where".  
 In Section 302.540(a), add "Life" after "Aquatic".  
 In Section 302.540(b), change "ty" to "ty".  
 In Section 302.540(b)(3), add commas after "136" and "302.510".  
 In Section 302.540(d), the first sentence should be rewritten to read: "For any substance that is a threat to human health through drinking water exposure only, the resulting criterion r value shall be applicable to only the Open waters of Lake Michigan".  
 In Section 302.540(f), change "Titles" to "Files".  
 In Section 302.540(g)(1), change "its" to "that person's".  
 In Section 302.540(g)(2), change "Petitioner" to lower case.  
 In Section 302.540(g)(3), add a comma after "Section".  
 In Section 302.550, change "Chapter" to "Subpart", delete "USEPA's current manual of practice or with other procedures acceptable to USEPA and the Agency" and add "the methods published by USEPA or nationally recognized standards of organizations, including but not limited to those methods found in Standard Methods, incorporated by reference in Section 302.510 or recommended in 40 CFR 132 and incorporated by reference in Section 302.510".  
 In Section 302.553(a), add a comma after "temperature" and remove "modified".  
 In Section 302.555, move "(LMAATC)" before the colon, delete the colon, add a comma after "including".  
 In Section 302.555(f), change "less" to "fewer".  
 In Section 302.555(g), delete "and".  
 In Section 302.560, add "Life" after "Aquatic".  
 In Section 302.560(b), delete "or not".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

In Section 302.560(c), add a comma after "species".  
 In Section 302.560(f), change "is" to "in", delete "and".  
 In Section 302.560(i), add a comma after "species", delete "instead of the FAN".  
 In Section 302.563, add "toxicity" after "Life".  
 In Section 302.565, add "the" after "or".  
 In Section 302.565(a)(1) and (3), change "Sections" to "Section".  
 In Section 302.565(b)(1), add "toxicity" after "Life".  
 In Section 302.565(b)(1)(A), change to:  
 A) if fewer than three valid experimentally determined ACRs are available:  
 In Section 302.565(b)(1)(A), change the comma to a colon and change "use" to "1) Use", change "g" to "ij".  
 In Section 302.565(b)(1)(C), change "C" to "B".  
 In Section 302.570(a)(3), change "Bioconcentration Factor" to lower case.  
 In Section 302.570(b)(1)(C), change the period to a comma and delete "derived".  
 In Section 302.570(b)(1)(C), change the period to a comma and delete "derived".  
 In Section 302.570(b)(2)(B), delete "sediment Bioesediment" and replace with "biota-sediment" and add a colon at the end.  
 In Section 302.570(b)(2)(C), add commas after "g" and "302.510".  
 In Section 302.570(b)(2)(D), add a comma after "302.510".  
 In Section 302.570(c)(1), add a comma after "Section".  
 In Section 302.570(d), change "Invertebrate" to "Invertebrates".  
 In Section 302.575, add "and Values" after "Criteria" and delete the last sentence.  
 In Section 302.575, deleted Subsection (a)(1) and (a)(2) replaced. Relabeled Section 302.575(a)(3) to (p) and renumbered rest of Section appropriately, add "(p)" after "Test dose".  
 In Section 302.575(b)(2)(D), change "Interspecies" to lower case, add "the" after "with".  
 In Section 302.575(c), add "the" after "-" and change "Uncertainty" to lower case, change "Average" to lower case, change "Aquatic" and "Bioaccumulation Factor" to lower case.  
 In Section 302.575(c) after "exposure", add "Correction for" before "Intermittent" and delete "correction" after "exposure".  
 In Section 302.575(c)(2)(C), after "substances" add "for which a LOAEL and delete "effect level (LOAEL)" and deleted the last sentence.  
 In Section 302.580(a), delete the comma and add "which" after "substances".  
 In Section 302.585(b)(2)(A), (B), (C), and (D), change "An" to "A".  
 In Section 302.585(b)(2)(F), change the period to a semicolon.  
 In Section 302.585, delete "threshold".  
 In Section 302.595(c)(1), delete the period.  
 In Section 302.590, delete "one in one hundred thousand (" and add "( before "or", change "purposes" to "purpose".  
 In Section 302.590(a), add a comma after "132", add a comma before "Incorporated".  
 In Section 302.590(d), delete "(both drinking and incidental exposure)".



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

In Section 302.590(b)(1), change "one in one hundred thousand" to "1 in 100,000".

In Section 302.590(c) and (d), change "Risk Associated Dose" to "Lower case, change "one" to "1".

In Section 302.595, delete "BCCs defined in Section 302.501 and".

In Section 302.595(c), delete the last sentence.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): A more detailed description is contained in the Board's Proposed Opinion of December 18, 1997 in R37-25, which is available from the Board at the address specified in question #16 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act (415 ILCS 5/28.2). These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality standards and procedures for the derivation of criteria.

- 16) Information and questions regarding this adopted rule shall be directed to:

Marie E. Tipsoord  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 302  
WATER QUALITY STANDARDS

SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	Definitions
302.100	Scope and Applicability
302.101	Allowed Mixing, Mixing Zones and ZIDs
302.102	Stream Flows
302.103	Main River Temperatures
302.104	Nondegradation
302.105	

SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	Scope and Applicability
302.201	Purpose
302.202	Offensive Conditions
302.203	pH
302.204	Phosphorus
302.205	Dissolved Oxygen
302.206	Radioactivity
302.207	Numeric Standards for Chemical Constituents
302.208	Fecal Coliform
302.209	Other Toxic Substances
302.210	Temperature
302.211	Ammonia Nitrogen and Un-ionized Ammonia
302.212	Effluent Modified Waters (Ammonia)
302.213	

SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	Scope and Applicability
302.301	Algicide Permits
302.302	Finished Water Standards
302.303	Chemical Constituents
302.304	Other Contaminants
302.305	Fecal Coliform
302.306	

SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section	Scope and Applicability
302.401	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life
SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS	
Section	Scope, and Applicability, and Definitions
302.501	Dissolved Oxygen
302.502	pH
302.503	Chemical Constituents
302.504	Fecal Coliform
302.505	Temperature
302.506	Thermal Standards for Existing Sources on January 1, 1971
302.507	Thermal Standards for Sources Under Construction But Not in Operation on January 1, 1971
302.508	Other Sources
302.509	Incorporations by Reference
302.510	Offensive Conditions
302.515	Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.520	Supplemental Antidegradation Provisions for BCCs
302.521	Radioactivity
302.525	Supplemental Mixing Provisions for BCCs
302.530	Ammonia Nitrogen
302.535	Other Toxic Substances
302.540	Data Requirements
302.545	Analytical Testing
302.550	Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
302.553	Determining the Tier I Acute Aquatic Life Toxicity Criterion for the Lake Michigan Basin (LMAATC): Independent of Water Chemistry
302.555	Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
302.560	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
302.563	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMAATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMAATV)
302.565	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
302.570	Procedures for Deriving Tier I Water Quality Criteria and Values in
302.575	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

302.580	the Lake Michigan Basin to Protect Wildlife
302.585	Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health - General
302.590	Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMMHHC) and the Lake Michigan Basin Human Health Threshold Value (LMMHTV)
302.595	Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMMHNV)
	Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values
SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA	
Section	Scope and Applicability
302.601	Definitions
302.603	Mathematical Abbreviations
302.604	Data Requirements
302.606	Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.612	Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
302.615	Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
302.618	Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
302.621	Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.627	Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
302.630	The Wild and Domestic Animal Protection Criterion
302.633	The Human Threshold Criterion
302.642	Determining the Acceptable Daily Intake
302.645	Determining the Human Threshold Criterion
302.648	The Human Nonthreshold Criterion
302.651	Determining the Risk Associated Intake
302.654	Determining the Human Nonthreshold Criterion
302.657	Stream Flow for Application of Human Nonthreshold Criterion
302.658	Bioconcentration Factor
302.660	Determination of Bioconcentration Factor
302.663	Utilizing the Bioconcentration Factor
302.666	Listing of Derived Criteria
302.669	References to Previous Rules
APPENDIX A	Sources of Codified Sections
APPENDIX B	

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the Environmental Protection Act (415 ILCS 5/13, 11(b) and 271).

SOURCE: Filled with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments amended at 8 Ill. Reg. 1629, effective December 23, 1985; amended at 8 Ill. Reg. 1629, effective July 11, 1988; amended at 8 Ill. Reg. 1629, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(A) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended at R94-1(B) at 21 Ill. Reg. 370, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1333, effective DEC 24 1997.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act, as of July 1, 1994.

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

## Section 302.101 Scope and Applicability

- This Part contains schedules of water quality standards which are applicable throughout the State as designated in 35 Ill. Adm. Code 303. Site specific water quality standards are found with the water use designations in 35 Ill. Adm. Code 303.
- Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (35 Ill. Adm. Code 303.201).
- Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the point at which is drawn for treatment and distribution as a potable supply or for food processing (35 Ill. Adm. Code 303.202).
- Subpart D contains the secondary contact and indigenous aquatic life standards. These standards must be met only by certain waters designated in 35 Ill. Adm. Code 303.204 and 303.441.
- Subpart E contains the Lake Michigan Basin water quality standards. These are cumulative with the Subpart B-and-D standards--and must be met in by the waters of the Lake Michigan Basin and such other waters as may be designated in 35 Ill. Adm. Code 303--(35---111)---Code

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Subpart F contains the procedures for determining each of the criteria designated in Section 302.210.
- Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.

(Source: DEC 24 1997 at 22 Ill. Reg. 1333, effective DEC 24 1997)

## Section 302.105 Nondegradation

EXCEPT as otherwise provided in Section 302.520, waters whose existing quality is better than the established standards at the date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in, such waters and that such change is justifiable as a result of necessary economic or social development.

(Source: Amended at 22 Ill. Reg. 1333, effective DEC 24 1997)

## SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

## Section 302.501 Scope, and Applicability, and Definitions

- Subpart E contains the Lake Michigan Basin water quality standards. These are cumulative with the general--use--and--public--water--supply standards--of Subparts B-and-D--They must be met in the waters of the Lake Michigan Basin and such additional waters as may be designated in 35 Ill. Adm. Code Part-303--(Section 303.443).
- In addition to the definitions provided at 35 Ill. Adm. Code 301.200 through 301.444, and in place of conflicting definitions at Section 302.100, the following terms have the meanings specified for the Lake Michigan Basin:  
 "Acceptable daily exposure" or "ADE" means an estimate of the maximum daily dose of a substance that is not expected to result in adverse noncancer effects to the general human population, including sensitive subgroups.  
 "Acceptable endpoints", for the purpose of wildlife criteria derivation, means acceptable subchronic and chronic end-points that affect reproductive or developmental success, organismal viability or growth, or any other endpoint that is, or is directly related to, parameters that influence population

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Dynamics.

"Acute to chronic ratio" or "ACR" is the standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.

"Acute toxicity" means adverse effects that result from an exposure period that is a small portion of the life span of the organism.

"Adverse effect" means any deleterious effect to organisms due to exposure to a substance. This includes effects that are or may become debilitating, harmful or toxic to the normal functions of the organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

"Baseline BAF" for organic chemicals, means a BAF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

"Baseline BCF" for organic chemicals, means a BCF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BCF is based on the wet weight of the tissue.

"Bioaccumulative chemical of concern" or "BCC" is any chemical that has the potential to cause adverse effects and/or, upon entering the surface waters by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1,000, after considering metabolism and other physicochemical properties that might enhance or inhibit bioaccumulation, in accordance with the methodology in Section 302.570. In addition, the half life of the chemical in the water column, sediment or biota must be greater than eight weeks. BCCs include, but are not limited to the following substances:

Chlordane  
4,4'-DDD; 2,2'-DDD; 4,4'-TDE; 2,2'-TDE  
4,4'-DDE; P,p'-DDE  
4,4'-DDT; P,p'-DDT  
Dieldrin  
Hexachlorobenzene

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Hexachlorobutadiene; Hexachloro-1,2-butadiene  
Hexachlorocyclohexanes; BHCs

alpha-Hexachlorocyclohexane; alpha-BHC  
beta-Hexachlorocyclohexane; beta-BHC  
delta-Hexachlorocyclohexane; delta-BHC  
Lindane; gamma-Hexachlorocyclohexane; gamma-BHC  
Mercury

Mirex  
Octachlorostyrene  
PCBs; polychlorinated biphenyls  
Pentachlorobenzene  
Photomirex  
2,3,7,8-TCDD; Dioxin  
1,2,3,4-Tetrachlorobenzene  
Toxaphene

"Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

"Bioaccumulation factor" or "BAF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

"Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.

"Bioconcentration Factor" or "BCF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.

"Biota-sediment accumulation factor" or "BSAF" means the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in the tissue of an aquatic organism to its organic carbon-normalized concentration in a surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.

"Carcinogen" means a substance that causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Classification of carcinogens is determined by the procedures in Section II-A of Appendix C to 40 CFR 132 (1996) incorporated by reference in Section 302.510.

"Chronic effect" means an adverse effect that is measured by assessing an acceptable endpoint, and results from continual exposure over several generations, or at least over a significant part of the test species' projected life span or life stage.

"Chronic toxicity" means adverse effects that result from an exposure period that is a large portion of the life span of the organism.

"Dissolved organic carbon" or "DOC" means organic carbon which passes through a 1  $\mu$ m pore size filter.

"Dissolved metal" means the concentration of a metal that will pass through a 0.45  $\mu$ m pore size filter.

"Food chain" means the energy stored by plants is passed along through the ecosystem through trophic levels in a series of steps of eating and being eaten, also known as a food web.

"Food chain multiplier" or "FCM" means the ratio of a BAF to an appropriate BCF.

"Linearized multi-stage model" means a mathematical model for cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model of carcinogenesis.

"Lowest observed adverse effect level" or "LOAEL" means the lowest tested dose or concentration of a substance that results in an observed adverse effect in exposed test organisms when all higher doses or concentrations result in the same or more severe effects.

"No observed adverse effect level" or "NOAEL" means the highest tested dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

"Octanol water partition coefficient" or "K<sub>ow</sub>" is the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol water system. For log K<sub>ow</sub>, the log of the octanol water partition coefficient is a base 10 logarithm.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Open Waters of Lake Michigan" means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters.

"Particulate organic carbon" or "POC" means organic carbon that is retained by a 1  $\mu$ m pore size filter.

"Relative source contribution" or "RSC" means the percent of total exposure that can be attributed to surface water through water intake and fish consumption.

"Resident or indigenous species" means species that currently live a substantial portion of their life cycle, or reproduce, in a given body of water, or that are native species whose historical range includes a given body of water.

"Risk associated dose" or "RAD" means a dose of a known or presumed carcinogenic substance in mg/kg/day which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one in 100,000.

"Slope factor" or "q<sub>1</sub>" is the incremental rate of cancer development calculated through use of a linearized multistage model or other appropriate model. It is expressed in mg/kg/day of exposure to the chemical in question.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association.

"Subchronic effect" means an adverse effect, measured by assessing an acceptable endpoint, resulting from continual exposure for a period of time less than that deemed necessary for a chronic test.

"Target species" is a species to be protected by the criterion.

"Target species value" is the criterion value for the target species.

"Test species" is a species that has test data available to derive a criterion.

"Test dose" or "TD" is an LOAEL or NOAEL for the test species.

"Tier I criteria" are numeric values derived by use of the Tier I



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

methodologies that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.

"Tier II values" are numeric values derived by use of the Tier II methodologies that are used to implement narrative water quality criteria. They are applied as criteria, have the same effect, and are subject to the same appeal rights as criteria.

"Trophic level" means a functional classification of taxa within a community that is based on feeding relationships. For example, aquatic green plants and herbivores comprise the first and second trophic levels in a food chain.

"toxic unit acute" or "TUA" is the reciprocal of the effluent concentration that causes 50 percent of the test organisms to die by the end of the acute exposure period, which is 48 hours for invertebrates and 96 hours for vertebrates.

"toxic unit chronic" or "TUC" is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period, which is at least seven days for Ceriodaphnia, Fathead minnow and rainbow trout.

"uncertainty factor" or "UF" is one of several numeric factors used in deriving criteria from experimental data to account for the quality or quantity of the available data.

"USPA" means the United States Environmental Protection Agency.

(Source: Amended at 22 Ill. Reg. 1370, effective DEC 24 1997)

## Section 302.502 Dissolved Oxygen

Dissolved oxygen (STORET number 00300) must shall not be less than 90% of saturation, except due to natural causes, in the Open Waters of Lake Michigan as defined at Section 302.501. The other waters of the Lake Michigan Basin must not be less than 6.0 mg/L during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time.

(Source: Amended at 22 Ill. Reg. 1370, effective DEC 24 1997)

## Section 302.503 pH

pH (STORET number 00400) must shall be within the range of 7.0 to 9.0, except

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

for natural causes, in the Open Waters of Lake Michigan as defined at Section 302.501. Other waters of the Basin must be within the range of 6.5 to 9.0, except for natural causes.

(Source: Amended at 22 Ill. Reg. 1370, effective DEC 24 1997)

## Section 302.504 Chemical Constituents

The following concentrations levels of chemical constituents must shall not be exceeded, except as provided in Sections 302.102 and 302.530:

- The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a time of initial dilution (TID) pursuant to Sections 302.102 and 302.530. Chronic aquatic life standards (CS) and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed pursuant to Sections 302.102 and 302.530 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the CS or HHS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET Number	Unit	AS	CS	HHS
Arsenic (Trivalent, dissolved)	22680	ug/L	340	148	NA
Cadmium (dissolved)	01025	ug/L	exp[A + Bin(H)] A = -2.715 B = 1.128	exp[A + Bin(H)] A = -2.715 B = 0.7852	NA
Chromium (Hexavalent, total)	01032	ug/L	16	11	NA
Chromium (Trivalent, dissolved)	80357	ug/L	exp[A + Bin(H)] A = 3.7256 B = 0.819	exp[A + Bin(H)] A = 0.6848 B = 0.819	NA
Copper (dissolved)	01040	ug/L	exp[A + Bin(H)] A = -1.700 B = 0.9422	exp[A + Bin(H)] A = -1.700 B = 0.8545	NA

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Where:  
NA = Not Applied  
 $\text{Exp}[x] = \text{base of natural logarithms raised to the } x\text{-POWER}$   
 $\ln(H) = \text{natural logarithm of Hardness (STORET 00900)}$

b) The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under subsection (c) of this Section.

Constituent	STORET Number	Unit	Water Quality Standard
Barium (total)	01007	mg/L	5.0
Boron (total)	01022	mg/L	1.0
Chloride (total)	00940	mg/L	500
Fluoride (total)	00951	mg/L	1.4
Iron (dissolved)	01046	mg/L	1.0
Manganese (total)	01055	mg/L	1.0
Phenols	32730	mg/L	0.1
Sulfate	00945	mg/L	500
Total Dissolved Solids	70300	mg/L	1000

c) In addition to the standards specified in subsections (a) and (b) of this Section, the following standards must not be exceeded at any time in the Open Waters of Lake Michigan as defined in Section 302.501.

Constituent	STORET Number	Unit	Water Quality Standard
Arsenic (total)	01002	ug/L	500
Barium (total)	01007	mg/L	1.0
Boron (total)	00940	mg/L	12.0
Chloride (total)	01046	mg/L	0.30
Iron (dissolved)	01055	ug/L	50.0
Lead (total)	01055	mg/L	0.15
Manganese (total)	00620	mg/L	10.0
Nitrate-Nitrogen	00620	mg/L	7.0
Phosphorus	00665	ug/L	10.0
Selenium (total)	01147	ug/L	10.0
Sulfate	00945	mg/L	24.0
Total Dissolved Solids	70300	mg/L	180.0

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Cyanide (weak acid dissociable)	00718	ug/L	22	5.2	NA
Lead (dissolved)	01049	ug/L	$\text{exp}[A] + \text{Bin}[H]$ $A = -4.003$ $B = 1.273$	$\text{exp}[A] + \text{Bin}[H]$ $A = -4.003$ $B = 1.273$	NA
Nickel (dissolved)	01065	ug/L	$\text{exp}[A] + \text{Bin}[H]$ $A = 2.255$ $B = 0.846$	$\text{exp}[A] + \text{Bin}[H]$ $A = 0.0584$ $B = 0.846$	NA
Selenium (dissolved)	01145	ug/L	NA	5.0	NA
TRC	50060	ug/L	19	11	NA
Zinc (dissolved)	01090	ug/L	$\text{exp}[A] + \text{Bin}[H]$ $A = 0.884$ $B = 0.8473$	$\text{exp}[A] + \text{Bin}[H]$ $A = 0.884$ $B = 0.8473$	NA
Benzene	34030	ug/L	NA	NA	31.0
Chlorobenzene	34301	mg/L	NA	NA	3.2
2,4-Dimethylphenol	34606	mg/L	NA	NA	8.7
2,4-Dinitrophenol	03756	mg/L	NA	NA	2.8
Endrin	39390	ug/L	0.086	0.036	NA
Hexachloroethane	34396	ug/L	NA	NA	6.7
Methylene chloride	34423	mg/L	NA	NA	2.6
Parathion	39540	ug/L	0.065	0.013	NA
Pentachlorophenol	03761	ug/L	$\text{exp}[A] + \text{Bin}[H]$ $A = -4.869$ $B = 1.005$	$\text{exp}[A] + \text{Bin}[H]$ $A = -5.134$ $B = 1.005$	NA
Toluene	78131	mg/L	NA	NA	51.0
Trichloroethylene	39180	ug/L	NA	NA	370

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Oil (hexane solubles or equivalent)	00550,	mg/L	0.10
	00556 or		
Phenols	00560	ug/L	1.0
	32730		

d) In addition to the standards specified in subsections (a), (b) and (c) of this Section, the following human health standards (HHS) must not be exceeded in the Open Waters of Lake Michigan as defined in Section 302.501 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the HHS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET Number	Unit	Water Quality Standard
Benzene	34030	ug/L	12.0
Chlorobenzene	34301	ug/L	470.0
2,4-Dimethylphenol	34606	ug/L	450.0
2,4-Dinitrophenol	03757	ug/L	55.0
Hexachloroethane	34396	ug/L	5.30
(total)			
Lindane	39782	ug/L	0.47
Methylene chloride	34423	ug/L	47.0
Toluene	78131	mg/L	5.60
Trichloroethylene	39180	ug/L	29.0

e) For the following bioaccumulative chemicals of concern (BCCs), acute aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS) must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET Number	Unit	AS	CS	HHS	WS
Mercury (total)	71900	ng/L	1,700	910	3.1	1.3

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Chlordane	39350	ng/L	NA	NA	0.25	NA
DDE and metabolites	39370	ng/L	NA	NA	150	11.0
Dieldrin	39380	ng/L	240	56	0.0062	NA
Hexachlorobenzene	39700	ng/L	NA	NA	0.43	NA
Lindane	39782	ug/L	0.55	NA	0.12	NA
PCBs (Class)	79813	ug/L	NA	NA	26	120
2,3,7,8-TCDF	03556	fg/L	NA	NA	8.6	3.1
Toxaphene	39400	pg/L	NA	NA	68	NA

Where:

mg/L = milligrams per liter (10(-3) grams per liter)

ug/L = micrograms per liter (10(-6) grams per liter)

ng/L = nanograms per liter (10(-9) grams per liter)

fg/L = picograms per liter (10(-12) grams per liter)

fg/L = femtomgrams per liter (10(-15) grams per liter)

NA = Not Applied

CONSTITUENT	STORET NUMBER	CONCENTRATION mg/l
Amonia-Nitrogen	46618	0-82
Chloride	46948	12-8
Sulfate	46945	24-8
Phosphorus (tea-P)	46665	0-867
Total-Solids-(dissolved)	76368	188-8

(Source: Amended at 22 Ill. Reg. 13, effective 12/24/1997)

## Section 302.505 Fecal Coliform

Based on a minimum of five samples taken over not more than a 30-day period, fecal coliform (STORET number 31616) must ~~shall~~ not exceed a geometric mean of 20 per 100 ml in the Open Waters of Lake Michigan as defined in Section 302.501. The remaining waters of the Lake Michigan Basin must not exceed a geometric mean of 200 per 100 ml, nor shall more than 10% of the samples during any 30 day period exceed 400 per 100 ml.

(Source: Amended at 22 Ill. Reg. 13, effective 12/24/1997)

Section 302.507 Thermal Standards for Existing Sources on January 1, 1971

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) All sources of heated effluents in existence as of January 1, 1971, shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or a equal fixed area of simple form.

- a.1) There shall be no abnormal temperature changes that may affect aquatic life.
- a.2) The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.
- a.3) The maximum temperature rise at any time above natural temperatures shall not exceed 1.7° C (3° F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	° C	° F	° C	° F	
JAN.	7	45	JUL.	27	80
FEB.	7	45	AUG.	27	80
MAR.	7	45	SEPT.	27	80
APR.	13	55	OCT.	18	65
MAY	16	60	NOV.	16	60
JUN.	21	70	DEC.	10	50

- b) The owner or operator of a source of heated effluent which discharges 150 megawatts (105 billion British thermal units per hour) or more shall demonstrate in a hearing before this Board not less than 45 nor more than 60 days after the adoption of this regulation that discharges from that source have not caused and cannot be reasonably expected in future to cause significant ecological damage to the lake. If such proof is not made to the satisfaction of the Board, backfitting of alternative cooling devices shall be accomplished within a reasonable time as determined by the Board.

(Source: Amended at 22 Ill. Reg. 1336, effective

DEC 24 1997)

### Section 302.508 Thermal Standards for Sources Under Construction But Not In Operation on January 1, 1971

Any effluent source under construction but not in operation on as of January 1, 1971 must, but not in operation, shall meet all the requirements of Section 302.507 and in addition shall meet the following restrictions:

- a) Neither the bottom, the shore, the hyplimnion, nor the thermocline shall be affected by any heated effluent.
- b) No heated effluent shall affect spawning grounds or fish migration routes.
- c) Discharge structures shall be so designed as to maximize short-term mixing and thus to reduce the area significantly raised in temperature.
- d) No discharge shall exceed ambient temperatures by more than 11° C (20°

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- f) Heated effluents from more than one source shall not interact.
- g) All reasonable steps shall be taken to reduce the number of organisms drawn into or against the intakes.
- h) Greening-of-condensers shall be accomplished by mechanical devices if chemicals must be used to supplement mechanical devices; the concentration at the point of discharge shall not exceed the 96-hour (subscript-n) for fresh water organisms.

(Source: Amended at 22 Ill. Reg. 1336, effective

DEC 24 1997)

### Section 302.510 Incorporations by Reference

- a) The Board incorporates the following publications by reference: American Public Health Association et al., 1015 Fifteenth Street, N.W., Washington, D.C. 20005, Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1996 Available from the American Public Health Association, 1015 Fifteenth St., NW, Washington, D.C. 20005 (202) 789-5600.
- b) The Board incorporates the following federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (202) 783-3238:

40 CFR 136 (1996)  
40 CFR 141 (1988)  
40 CFR 302.4 (1988)  
The Sections of 40 CFR 132 (1996) listed below:

#### Appendix A

Section I A  
Section II C  
Section IV D, E, F, G, H, and I  
Section V C  
Section VI A, B, C, D, E, and F  
Section VII  
Section XI  
Section XVII  
Appendix B  
Section III  
Section VII B and C  
Section VIII  
Appendix C  
Section II  
Section III A (1 through 5 and 8), B (1 and 2),  
Appendix D  
Section III C, D, and E  
Section IV

- c) This Section incorporates no future editions or amendments.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 22 Ill. Reg. 1987, effective DEC 24 1987)

## Section 302.515 Offense Conditions

Waters of the Lake Michigan Basin must be free from sludge or bottom deposits, floating debris, visible oil, odor, plant or algal growth, color or turbidity of other than natural origin. The allowed mixing provisions of Section 302.102 shall not be used to comply with the provisions of this Section.

(Source: Added at 22 Ill. Reg. 1987, effective DEC 24 1987)

## Section 302.520 Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)

a) For the purposes of regulating BCCs in accordance with Sections 302.521 and 302.530 of this Part, the following chemicals shall be considered as BCCs:

- 1) any chemical or class of chemicals listed as a BCC in Section 302.501; and
- 2) any chemical or class of chemicals that the Agency has determined meets the characteristics of a BCC as defined in Section 302.501 as indicated by:
  - A) publication in the Illinois Register; or
  - B) notification to a permittee or applicant; or
  - C) filing a petition with the Board to verify that the chemical shall be designated a BCC.

b) Notwithstanding subsections (a)(2)(A) and (B) of this Section, a chemical shall not be regulated as a BCC if the Agency has not filed a petition, within 60 days after such publication or notification, with the Board in accordance with Section 28.2 of the Act to verify that the chemical shall be designated a BCC.

c) Pursuant to subsection (b) of this Section and Section 302.570 of this Part, if the Board verifies that a chemical has a human health bioaccumulation factor greater than 1,000 and is consistent with the definition of a BCC in Section 302.105, the Board shall designate the chemical as a BCC and list the chemical in Section 302.501. If the Board fails to verify the chemical as a BCC in its final action on the verification petition, the chemical shall not be listed as a BCC and shall not be regulated as a BCC in accordance with Sections 302.521 and 302.530 of this Part.

(Source: Added at 22 Ill. Reg. 1987, effective DEC 24 1987)

## Section 302.521 Supplemental Antidegradation Provisions for BCCs

- 5) Any determination to allow increased loading of a BCC pursuant to a demonstration of important economic or social development need

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

a) Notwithstanding the provisions of Section 302.105, waters within the Lake Michigan Basin must not be lowered in quality due to new or increased loading of substances defined as bioaccumulative chemicals of concern (BCCs) in Section 302.501 from any source or activity subject to the NPDES permit. Section 401 water quality certification provisions of the Clean Water Act (P.L. 92-100, as amended), or joint permits from the Agency and the Illinois Department of Natural Resources under Section 33(n) of the Act [415 ICS 5/39(n)] until and unless it can be affirmatively demonstrated that such change is necessary to accommodate important economic or social development.

- 1) Where ambient concentrations of a BCC are equal to or exceed an applicable water quality criterion, no increase in loading of that BCC is allowed.
- 2) Where ambient concentrations of a BCC are below the applicable water quality criterion, a demonstration to justify increased loading of that BCC must include the following:

A) Pollution Prevention Alternatives Analysis. Identify any cost-effective reasonably available pollution prevention alternatives and techniques that would eliminate or significantly reduce the extent of increased loading of the BCC.

B) Alternative or Enhanced Treatment Analysis. Identify alternative or enhanced treatment techniques that are cost effective and reasonably available to the entity that would eliminate or significantly reduce the extent of increased loading of the BCC.

C) Important Social or Economic Development Analysis. Identify the social or economic development and the benefits that would be forgone if the increased loading of the BCC is not allowed.

- 3) In no case shall increased loading of BCCs result in exceeding of applicable water quality criteria or concentrations exceeding the level of water quality necessary to protect existing uses.
- 4) Changes in loadings of any BCC within the existing capacity and processes of an existing NPDES authorized discharge, certified activity pursuant to Section 401 of the Clean Water Act, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 33(n) of the Act are not subject to the antidegradation review of subsection (a) of this Section. These changes include but are not limited to:

- A) normal operational variability, including, but not limited to, intermittent increased discharges due to wet weather conditions;
- B) changes in intake water pollutants;
- C) increasing the production hours of the facility; or
- D) increasing the rate of production.

Any determination to allow increased loading of a BCC pursuant to a demonstration of important economic or social development need



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

shall satisfy the public participation requirements of 40 CFR 25 prior to final issuance of the NPDES permit. Section 401 water quality certification, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act.

- b) The following actions are not subject to the provisions of subsection (a) of this Section, unless the Agency determines the circumstances of an individual situation warrant application of those provisions to adequately protect water quality:

- 1) Short-term, temporary (i.e., weeks or months) lowering of water quality;
- 2) By-passes that are not prohibited at 40 CFR 122.41(m); or
- 3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar Federal or State authority, undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants that may pose danger to public health or welfare.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, DEC 24 1997)

## Section 302.525 Radionuclides

Except as provided in Section 302.102, all waters of the Lake Michigan Basin must meet the following concentrations in any sample:

- a) Gross beta (STORET number 03501) concentrations must not exceed 100 picocuries per liter (pCi/L);
- b) Concentrations of radium 226 (STORET number 09501) and strontium 90 (STORET number 13501) must not exceed 1 and 2 picocuries per liter, respectively.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, DEC 24 1997)

## Section 302.530 Supplemental Mixing Provisions for BCCs

The General Provisions of Section 302.102 (Allowed Mixing, Mixing Zones and ZIDs) apply within the Lake Michigan Basin except as otherwise provided herein for substances defined as BCCs in Section 302.501:

- a) No mixing shall be allowed for BCCs for new discharges commencing on or after December 24, 1997;
- b) Discharges of BCCs existing as of the effective date of this rule are eligible for mixing allowance consistent with Section 302.102 until March 23, 2007. After March 23, 2007 mixing for BCCs will not be allowed except as provided in subsections (c) and (d) of this Section.
- c) Mixing allowance for a source in existence on December 24, 1997 may continue beyond March 23, 2007 where it can be demonstrated on a case by case basis that continuation of mixing allowance is necessary to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

achieve water conservation measures that result in overall reduction of BCC mass loading to the Lake Michigan Basin.

- d) Mixing allowance for a source in existence on December 24, 1997 shall only continue if necessitated by technical and economic factors. Any mixing allowance continued beyond March 23, 2007 based on technical and economic factors shall be limited to not more than one NPDES permit term, and shall reflect the maximum achievable BCC loading reduction within the identified technical and economic considerations necessitating the exception. Such continued mixing allowance shall not be renewed beyond that permit term unless a new determination of technical and economic necessity is made.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, DEC 24 1997)

## Section 302.535 Ammonia Nitrogen

The Open Waters of Lake Michigan as defined in Section 302.501 must not exceed 0.02 mg/L total ammonia (as N; STORET Number 00610). The remaining waters of the Lake Michigan Basin shall be subject to the following:

- a) Total ammonia nitrogen (as N; STORET Number 00610) must in no case exceed 15 mg/L;
- b) Un-ionized ammonia nitrogen (as N; STORET Number 00612) must not exceed the acute and chronic standards given below subject to the provisions of Section 302.208(a) and (b) of this Part:
  - 1) From April through October, the Acute Standard (AS) shall be 0.33 mg/L and the chronic standard (CS) shall be 0.057 mg/L;
  - 2) From November through March, the AS shall be 0.14 mg/L and the CS shall be 0.025 mg/L;
- c) For purposes of this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia as N shall be computed according to the following equations:

$$U = \frac{N}{10^{-9.4412(1 + 10(x)) + 0.0559}}$$

$$\text{and } N = U(0.94412(1 + 10(x)) + 0.0559)$$

Where:

$$X = 0.09018 + \frac{-2729.92}{(T + 273.16)} - pH$$

U = Concentration of un-ionized ammonia as N in mg/L  
 N = Concentration of ammonia nitrogen as N in mg/L  
 T = Temperature in degrees Celsius.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, DEC 24 1997)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(PL 24 1997)

## Section 302.540 Other Toxic Substances

waters of the Lake Michigan Basin must be free from any substance or any combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. The numeric standards protective of particular uses specified for individual chemical substances in Section 302.504 are not subject to recalculation by this Section, however, where no standard is applied for a category, a numeric value may be calculated herein.

a. Any substance shall be deemed toxic or harmful to aquatic life if present in concentrations that exceed the following:

- 1) A Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC) or Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV) derived pursuant to procedures set forth in Sections 302.555, 302.560 or 302.563 at any time; or
- 2) A Tier I Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMATC) or Tier II Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV) derived pursuant to procedures set forth in Section 302.565 as an average of four samples collected on four different days.

b. Any combination of substances, including effluents, shall be deemed toxic to aquatic life if present in concentrations that exceed either subsection (b)(1) or (2) of this Section:

- 1) No sample of water from the Lake Michigan Basin collected outside of a designated zone of initial dilution shall exceed 0.3 TU/AL as determined for the most sensitive species tested using acute toxicity testing methods.
- 2) No sample of water from the Lake Michigan Basin collected outside a designated mixing zone shall exceed 1.0 TU/AL as determined for the most sensitive species tested using chronic toxicity testing methods.
- 3) To demonstrate compliance with subsections (1) and (2) of this subsection (b), at least two resident or indigenous species will be tested. The rainbow trout will be used to represent fishes for the Open Waters of Lake Michigan and the fathead minnow will represent fishes for the other waters of the Lake Michigan Basin. Ceriodaphnia will represent invertebrates for all waters of the Lake Michigan Basin. Other common species shall be used if listed in Table I A of 40 CFR 136, incorporated by reference at Section 302.510, and approved by the Agency.
- c. Any substance shall be deemed toxic or harmful to wildlife if present in concentrations that exceed a Tier I Lake Michigan Basin Wildlife Criterion (LWMC) derived pursuant to procedures set forth in Section 302.575 as an arithmetic average of four samples collected over four different days.
- d. For any substance that is a threat to human health through drinking water exposure only, the resulting criterion or value shall be

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

applicable to only the Open Waters of Lake Michigan. For any substance that is determined to be a BCC, the resulting criterion shall apply in the entire Lake Michigan Basin. These substances shall be deemed toxic or harmful to human health if present in concentrations that exceed either of the following:

- 1) A Tier I Lake Michigan Basin Human Health Threshold Criterion (LHMHTC) or Tier II Lake Michigan Basin Human Health Threshold Value (LHMHTV) based on disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs as derived pursuant to procedures set forth in Section 302.585 as an arithmetic average of four samples collected over four different days; or

- 2) A Tier I Lake Michigan Basin Human Health Nonthreshold Criterion (LHMNC) or Tier II Lake Michigan Basin Human Health Nonthreshold Value (LHMNV) based on disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage as derived pursuant to procedures set forth in Section 302.590 as an arithmetic average of four samples collected over four different days.

e. The derived criteria and values apply at all points outside of any waters in which mixing is allowed pursuant to Section 302.102 or Section 302.530.

f. The procedures of this Subpart E set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria or values pursuant to subsections (b), (c), and (d) of this Section. No other procedures may be used to establish such criteria or values unless approved by the Board in a rulemaking or adjusted standards proceeding pursuant to Title VII of the Act. The validity and applicability of these procedures may not be challenged in any proceeding brought pursuant to Title VIII or X of the Act, although the validity and correctness of application of the numeric criteria or values derived pursuant to this Subpart may be challenged in such proceedings pursuant to subsection (g) of this Section.

g. Challenges to application of criteria and values:

- 1) A permittee may challenge the validity and correctness of application of a criterion or value derived by the Agency pursuant to this Section only at the time such criterion or value is first applied in its NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action permit pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion or value at the time of its first application to that person's facility shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion or value to that person.

- 2) Consistent with subsection (a)(1) of this Section, if a criterion or value is included as, or is used to derive, a condition of an

NPDES discharge permit, a permittee may challenge the criterion or value in a permit appeal pursuant to 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion or value, and whether such information was developed by the Agency or submitted by the petitioner. The burden of proof shall be on the petitioner pursuant to Section 40(a)(1) of the Act.

3) Consistent with subsection (g)(1) of this Section, in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion or value, the person bringing such action shall have the burdens of going forward with proof and persuasion regarding the general validity and correctness of application of the criterion or value.

b) Subsections (a) through (e) of this Section do not apply to USEPA registered pesticides approved for aquatic application and applied pursuant to the following conditions:

1) Application shall be made in strict accordance with label directions;

2) Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));

3) Applications of aquatic pesticides must be in accordance with the laws, regulations and guidelines of all State and Federal agencies authorized by law to regulate, use or supervise pesticide applications;

4) No aquatic pesticide shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits shall be issued so as not to cause a violation of the Act or of any of the Board's rules or regulations. To aid applicants in determining their responsibilities under this subsection (b), a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Added at 22 Ill. Reg. 12.25.0, effective DEC 24 1997)

#### Section 302.545 Data Requirements

The Agency shall review, for validity, applicability and completeness the data used in calculating criteria or values. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards of organizations, including, but not limited to, those methods found in Standard Methods, incorporated by reference in Section 302.510, or recommended in 40 CFR 132 and incorporated by reference in Section 302.510.

(Source: Added at 22 Ill. Reg. 12.25.0, effective DEC 24 1997)

#### Section 302.550 Analytical Testing

All methods of sample collection, preservation, and analysis used in applying any of the requirements of this Subpart shall be consistent with the methods published by USEPA or nationally recognized standards of organizations, including but not limited to those methods found in Standard Methods, incorporated by reference in Section 302.510, or recommended in 40 CFR 132 and incorporated by reference in Section 302.510.

(Source: Added at 22 Ill. Reg. 12.25.0, effective DEC 24 1997)

#### Section 302.553 Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures

The Lake Michigan Aquatic Life Criteria and Values are those concentrations or levels of a substance at which aquatic life is protected from adverse effects resulting from short or long term exposure in water.

a) Tier I criteria and Tier II values to protect against acute effects in aquatic organisms will be calculated according to procedures listed in Sections 302.555, 302.560 and 302.563. The procedures of Section 302.560 shall be as necessary to allow for interactions with other water quality characteristics such as hardness, pH, temperature, etc. Tier I criteria and Tier II values to protect against chronic effects in aquatic organisms shall be calculated according to the procedures listed in Section 302.565.

b) Minimum data requirements. In order to derive a Tier I acute or chronic criterion, data must be available for at least one species of freshwater animal in at least eight different families such that the following taxa are included:

- 1) The family Salmonidae in the class Osteichthyes;
- 2) One other family in the class Osteichthyes;
- 3) A third family in the phylum Chordata;
- 4) A planktonic crustacean;
- 5) A benthic crustacean;
- 6) An insect;
- 7) A family in a phylum other than Arthropoda or Chordata; and
- 8) A family from any order of insect or any phylum not already represented.

c) Data for tests with plants, if available, must be included in the data set.

d) If data for acute effects are not available for all the eight families listed above, but are available for the family Daphniae, a Tier II value shall be derived according to procedures in Section 302.563. If data for chronic effects are not available for all the eight families,



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

but there are acute and chronic data available according to Section 302.565(b) so that three acute to chronic ratios (ACRs) can be calculated, then a Tier I chronic criterion can be derived according to procedures in Section 302.565. If three ACRs are not available, then a Tier II chronic value can be derived according to procedures in Section 302.565(e).

Data must be obtained from species that have reproducing wild populations in North America except that data from salt water species can be used in the derivation of an ACR.

(Source: Added at 22 Ill. Reg. DEC 9 4 1997, effective

### Section 302.555 Determining the Tier I Acute Aquatic Life Toxicity Criterion for the Lake Michigan Basin (LMAATC): Independent of Water Chemistry

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including, but not limited to, hardness, pH, or temperature, the Tier I LMAATC is calculated using the procedures below.

a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.

b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.

c) The GMAVs are ordered from high to low in numerical order.

d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "n" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.

e) The cumulative probability,  $P_r$ , is calculated for each GMAV as  $R/(N+1)$ . The GMAVs to be used in the calculations of subsection (g) of this

f) Section must be those with cumulative probabilities closest to 0.05. If there are fewer than 59 GMAVs in the total data set, the values utilized must be the lowest four obtained through the ranking procedures of subsections (c) and (d) of this Section.

g) Using the GMAVs identified pursuant to subsection (f) of this Section and the  $P_r$ s calculated pursuant to subsection (e) of this Section, the Final Acute Value (FAV) and the LMAATC are calculated as:

$$\text{FAV} = \exp(\lambda) \text{ and } \text{LMAATC} = \text{FAV}/2$$

Where:

$$\lambda = L + 0.2236 \cdot S$$

$$L = [S(\text{SDM}(\text{LNGMAV}) - S(E(P(0.5))))]/4$$

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

$$S = [(SUM(\text{LNGMAV})(2)) - ((SUM(\text{LNGMAV})(2))/4)] / [(SUM(P) - ((SUM(P(0.5)))(2)))/4]](0.5)$$

b) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, will not be protected by the calculated FAV, then the SMAV for that species is used as the FAV.

(Source: Added at 22 Ill. Reg. DEC 9 4 1997, effective

### Section 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, a Tier I LMAATC must be calculated using procedures in this Section. Although the relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e., for any variable,  $K$ ,  $f(K) = \log_{10}(K)$  of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e., for any variable,  $K$ ,  $f(K) = K$ ) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An LMAATC is calculated using the following procedures.

a) For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAV) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.

b) Each of the slopes determined pursuant to subsection (a) of this Section is evaluated as to whether it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the LMAATC must be calculated using the procedures in Section 302.555.

c) Normalize the TAV values for each species by subtracting  $W_r$ , the arithmetic mean of the TAV values of a species, from each of the TAV values used in the determination of the mean such that the arithmetic mean of the normalized TAV values for each species individually or for any combination of species is zero (0.0).

d) Normalize the TWQC values for each species using  $X_r$ , the arithmetic

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

mean of the TWQC values of a species, in the same manner as in subsection (c) of this Section.

- a) Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope,  $V$ .

- f) For each species, the graphical intercept representing the species TAT intercept,  $f(V)$ , at a specific selected value,  $Z$ , of the WQC is calculated using the equation:

$$f(V) = W - V(X - g(Z))$$

Where:

$f(V)$  is the transformation used to convert acute toxicity values to TAT values

$V$  is the species acute toxicity intercept or species acute intercept

$W$  is the arithmetic mean of the TAT values as specified in subsection (c) of this Section

$V$  is the pooled acute slope as specified in subsection (e) of this Section

$X$  is the arithmetic mean of the TWQC values as specified in subsection (c) of this Section

$g(Z)$  is the transformation used to convert the WQC values to TWQC values

$Z$  is a selected value of the WQC

- g) For each species, determine the species acute intercept,  $V$ , by carrying out an inverse transformation of the species TAT value,  $f(V)$ . For example, in the case of a logarithmic transformation,  $V = \text{antilogarithm of } [f(V)]$ ; or in the case where no transformation is used,  $V = f(V)$ .

- h) The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (f) of this Section, in accordance with the procedures described in Section 302.55(b) through (i), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.

- i) The Anatomic Acute Intercept (AAI) is obtained by dividing the FAI by two. If, for a commercially or recreationally important species, the geometric mean of the acute values at  $Z$  is lower than the FAI at  $Z$ .

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- i) then the geometric mean of that species must be used as the FAI. The IMAATC at any value of the WQC, denoted by WQC $_x$ , is calculated using the terms defined in subsection (f) of this Section, and the equation:

$$\text{IMAATC} = \exp[V \cdot (1/\text{WQC}_x) - g(Z)] + f(\text{AAI})$$

(Source: Added at 22 Ill. Reg. 4.2, effective DEC 24 1997)

### Section 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)

If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, a Tier II LMAATV must be calculated for a substance as follows:

- a) The lowest GMAV in the database is divided by the Secondary Acute Factor (SAF) corresponding to the number of satisfied minimum data requirements listed in the Tier I methodology (Section 302.553). In order to calculate a Tier II LMAATV, the data base must contain, at a minimum, a GMAV for one of the following three genera in the family Daphniidae -- *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp. The Secondary Acute Factors are:

Number of Minimum data requirements satisfied (required taxa)	Secondary Acute Factor
1	43.8
2	26.0
3	16.0
4	14.0
5	12.2
6	10.4
7	8.6

- b) If dependent on a water quality characteristic, the Tier II LMAATV must be calculated according to Section 302.560.

(Source: Added at 22 Ill. Reg. 4.2, effective DEC 24 1997)

### Section 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMAATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMAATV)

- a) Determining Tier I LMAATC
- i) When chronic toxicity data are available for at least eight



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

resident or indigenous species from eight different North American genera of freshwater organisms as specified in Section 302.553, a Tier I LMCATC is derived in the same manner as the FAV in Section 302.555 or 302.560 by substituting LMCATC for FAV or FAV, chronic for acute, SMCV (Species Mean Chronic Value) for SNAV, and GNCV (Genus Mean Chronic Value) for GNAV.

- 2) If data are not available to meet the requirements of subsection (a) of this Section, a Tier I LMCATC is calculated by dividing the FAV by the geometric mean of the acute-chronic ratios (ACRs) obtained from at least one species of aquatic animal from at least three different families provided that of the three species:

- At least one is a fish;
  - At least one is an invertebrate; and
  - At least one species is an saltwater sensitive freshwater species if the other two are saltwater species.
- 3) The acute-chronic ratio (ACR) for a species equals the acute toxicity concentration from data considered under Section 302.555 or 302.560, divided by the chronic toxicity concentration. If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities will not be protected by the calculated LMCATC, then the SMCV for that species is used as the CATC.
- b) Determining the Tier II LMCATC
- If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, or if there are not enough data for all three ACRs, a Tier II Lake Michigan Chronic Aquatic Life Toxicity Value shall be calculated using a secondary acute chronic ratio (SACR) determined as follows:
    - If fewer than three valid experimentally determined ACRs are available:
      - Use sufficient ACRs of 18 so that the total number of ACRs equals three; and
      - Calculate the Secondary Acute-Chronic Ratio as the geometric mean of the three ACRs; or
    - If no experimentally determined ACRs are available, the SACR is 18.

- 2) Calculate the Tier II LMCATC using one of the following equations:

- Tier II LMCATC = FAV / SACR
- Tier II LMCATC = SNAV / PACR
- Tier II LMCATC = SNAV / SACR

Where:

the SNAV equals 2 times the value of the Tier II LMCATC calculated in Section 302.563

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 3) If, for a commercially or recreationally important species, the SMCV is lower than the calculated Tier II LMCATC, then the SMCV must be used as the Tier II LMCATC.

(Source: Added at 22 Ill. Reg. 109, effective 1/1/94)

### Section 302.570 Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin

A bioaccumulation factor (BAF) is used to relate the concentration of a substance in an aquatic organism to the concentration of the substance in the waters in which the organism resides when all routes of exposure (ambient water and food) are included. A BAF is used in the derivation of water quality criteria to protect wildlife and criteria and values to protect human health. Selection of data, BAFs can be obtained or developed from one of the following methods, listed in order of preference.

- Field-measured BAF.
- Field-measured biota-sediment accumulation factor (BSAF).
- Laboratory-measured bioconcentration factor (BCF). The concentration of particulate organic carbon (POC) and dissolved organic carbon (DOC) in the test solution shall be either measured or reliably estimated.
- Predicted BCF.
- Predicted baseline BCF =  $K_{ow}$ .
- Calculation of baseline BAFs for organic chemicals. The most preferred BAF or BCF from above is used to calculate a baseline BAF which in turn is utilized to derive a human health or wildlife specific BAF.

- 1) Procedures for determining the necessary elements of baseline calculation.

- Lipid normalization. The lipid-normalized concentration, C(l), of a chemical in tissue is defined using the following equation:

$$C(l) = C(b) / f(l)$$

Where:

C(b) = concentration of the organic chemical in the tissue of aquatic biota (either whole organism or specified tissue) (ug/g)

f(l) = fraction of the tissue that is lipid

- B) Bioavailability.

The fraction of the total chemical in the ambient water that is freely dissolved, f(f), shall be calculated using the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

following equation:

$$f[fd] = 1 / \{ 1 + [(DOC)(Kow)/10] + [(POC)(Kow)] \}$$

Where:

DOC = concentration of dissolved organic carbon, kg of dissolved organic carbon/L of water

Kow = octanol-water partition coefficient of the chemical

POC = concentration of particulate organic carbon, kg of particulate organic carbon/L of water

C) Food Chain Multiplier (FCM). For an organic chemical, the FCM used shall be from Table B-1 in 40 CFR 132, Appendix B (1996) incorporated by reference at Section 302.510.

2) Calculation of baseline BAFs.

A) From field-measured BAFs:

$$\text{Baseline BAF} = \{ [\text{measured BAF}[t]] / f[fd] \} - 1 \} \{ 1 / f[l] \}$$

Where:

BAF[t] = BAF based on total concentration in tissue and water of study organism and site

f[l] = fraction of the tissue of study organism that is lipid

f[fd] = fraction of the total chemical that is freely dissolved in the ambient water

B) From a field measured biota-sediment accumulation factor (BSAF):

$$[\text{Baseline BAF}][i] =$$

$$[\text{Baseline BAF}][r] (\text{BSAF}[i]) (Kow)[i] / (\text{BSAF}[r] (Kow)[r])$$

Where:

BSAF[i] = BSAF for chemical "[i]"

BSAF[r] = BSAF for the reference chemical "[r]"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Kow)[i] = octanol-water partition coefficient for chemical "[i]"

(Kow)[r] = octanol-water partition coefficient for the reference chemical "[r]"

1) A BSAF shall be calculated using the following equation:

$$\text{BSAF} = C[l] / C[soc]$$

Where:

C[l] = the lipid-normalized concentration of the chemical in tissue

C[soc] = the organic carbon-normalized concentration of the chemical in sediment

ii) The organic carbon-normalized concentration of a chemical in sediment, C[soc], shall be calculated using the following equation:

$$C[soc] = C[s] / f[oc]$$

Where:

C[s] = concentration of chemical in sediment (ug/g sediment)

f[oc] = fraction of the sediment that is organic carbon

C) From a laboratory-measured BCF:

$$\text{baseline BAF} = (FCM) \{ [\text{measured BCF}[t]] / f[fd] \} - 1 \} \{ 1 / f[l] \}$$

Where:

BCF[t] = BCF based on total concentration in tissue and water

f[l] = fraction of the tissue that is lipid

f[fd] = fraction of the total chemical in the test water that is freely dissolved

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

FCM = the food-chain multiplier obtained from Table B-1 in 40 CFR 132, Appendix B, incorporated by reference at Section 302.510, by linear interpolation for trophic level 3 or 4, as necessary

D) From a predicted BCF:

baseline BAF =

$[(FCM) / \text{predicted baseline BCF}] = (FCM) / (Kow)$

Where:

FCM = the food-chain multiplier obtained from Table B-1 in 40 CFR 132, Appendix B, incorporated by reference at Section 302.510, by linear interpolation for trophic level 3 or 4, as necessary

Kow = octanol-water partition coefficient

c) Human health and wildlife BAFs for organic chemicals:

1) Fraction freely dissolved ( $f_{fd}$ ). By using the equation in subsection (b)(1)(B) of this Section, the  $f_{fd}$  to be used to calculate human health and wildlife BAFs for an organic chemical shall be calculated using a standard POC concentration of 0.00000004 kg/L and a standard DOC concentration of 0.000002 kg/L:

$f_{fd} = 1 / [1 + (0.00000024 \text{ kg/L}) / (Kow)]$

2) Human health BAF. The human health BAFs for an organic chemical shall be calculated using the following equations:

A) For trophic level 3:

Human Health BAF(HHTL3) =  $[(\text{baseline BAF})(0.0182) + 1] / [f_{fd}]$

B) For trophic level 4:

Human Health BAF(HHTL4) =  $[(\text{baseline BAF})(0.0310) + 1] / [f_{fd}]$

Where:

0.0182 and 0.0310 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive human health criteria and values

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

3) Wildlife BAF. The wildlife BAFs for an organic chemical shall be calculated using the following equations:  
For trophic level 3:

Wildlife BAF(WTL3) =  $[(\text{baseline BAF})(0.0646) + 1] / [f_{fd}]$

B) For trophic level 4:

Wildlife BAF(WTL4) =  $[(\text{baseline BAF})(0.1031) + 1] / [f_{fd}]$

Where:

0.0646 and 0.1031 are the standardized fraction lipid values for trophic levels 3 and 4, respectively, that are used to derive wildlife criteria

d) Human health and wildlife BAFs for inorganic chemicals. For inorganic chemicals the baseline BAFs for trophic levels 3 and 4 are both assumed to equal the BCF determined for the chemical with fish.

- 1) Human health. Measured BAFs and BCFs used to determine human health BAFs for inorganic chemicals shall be based on concentration in edible tissue (e.g., muscle) of freshwater fish.
- 2) Wildlife. Measured BAFs and BCFs used to determine wildlife BAFs for inorganic chemicals shall be based on concentration in the whole body of freshwater fish and invertebrates.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, DEC 24 1997)

# Section 302.575 Procedures for Deriving Tier I Water Quality Criteria and Values in the Lake Michigan Basin to Protect Wildlife

The Lake Michigan Basin Wildlife Criterion (LMWC) is the concentration of a substance which if not exceeded protects Illinois wild mammal and bird populations from adverse effects resulting from ingestion of surface waters of the Lake Michigan Basin and from ingestion of aquatic prey organisms taken from surface waters of the Lake Michigan Basin. Wildlife criteria calculated under this Section protect against long term effects and are therefore considered chronic criteria. The methodology involves utilization of data from test animals to derive criteria to protect representative or target species: bald eagle, herring gull, belted kingfisher, mink and river otter. The lower of the geometric mean of species specific criteria for bird species or mammal species is chosen as the LMWC to protect a broad range of species.

a) This method shall also be used for non-BBCs when appropriately modified to consider the following factors:

- 1) Selection of scientifically justified target species;
- 2) Relevant routes of chemical exposure;
- 3) Pertinent toxicity end-points.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## b) Minimum data requirements:

1) Test dose (TD). In order to calculate a LMWC the following minimal data base is required:

- a) There must be at least one data set showing dose-response for oral, subchronic, or chronic exposure of 28 days for one bird species and
- b) There must be at least one data set showing dose-response for all subchronic, or chronic exposure of 90 days for one mammal species.

## 2) Bioaccumulation factor (BAF) data requirements:

- a) For any chemical with a BAF of less than 125 the BAF may be obtained by any method; and
- b) For chemicals with a BAF of greater than 125 the BAF must come from a field measured BAF or BSAF.

## c) Principles for development of criteria

- 1) Dose standardization. The data for the test species must be expressed as, or converted to, the form mg/kg/d utilizing the guidelines for drinking and feeding rates and other procedures in 40 CFR 137, incorporated by reference at Section 302.510.

## 2) Uncertainty factors (UF) for utilizing test dose data in the calculation of the target species value (TSV).

- a) Correction for intermittent exposure. If the animals used in a study were not exposed to the toxicant each day of the test period, the no observed adverse effect level (NOAEL) must be multiplied by the ratio of days of exposure to the total days in the test period.
- b) Correction from the lowest observed adverse effect level (LOAEL) to NOAEL (UF<sub>1</sub>). For those substances for which a LOAEL has been derived, the UF<sub>1</sub> shall not be less than one and should not exceed 10.
- c) Correction for subchronic to chronic extrapolation (UF<sub>2</sub>). In instances where only subchronic data are available, the TD may be derived from subchronic data. In such cases, the TD shall be divided by a UF<sub>2</sub> to extrapolate from subchronic to chronic levels.
- d) Correction for interspecies extrapolations (UF<sub>3</sub>). For the derivation of criteria, a UF<sub>3</sub> shall not be less than one and should not exceed 100. The UF<sub>3</sub> shall be used only for extrapolating toxicity data across species within a taxonomic class. A species specific UF<sub>3</sub> shall be selected and applied to each target species, consistent with the situation below.
- e) Calculation of TSV. The TSV, measured in milligrams per liter (mg/L), is calculated according to the equation:  

$$TSV = \left( \frac{[TD \times W]}{[UF(a) \times UF(s) \times UF(l)]} \right) / \left( W + \frac{[FT(1)] \times [BAF(WT)(1)]}{[W]} \right)$$

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Where:

TSV = target species value in milligrams of substance per liter (mg/L)

TD = test dose that is toxic to the test species, either NOAEL or LOAEL

UF(a) = the uncertainty factor for extrapolating toxicity data across species (unitless). A species-specific UF(a) shall be selected and applied to each target species, consistent with the equation

UF(s) = the uncertainty factor for extrapolating from subchronic to chronic exposures (unitless)

UF(l) = the uncertainty factor for extrapolation from LOAEL to NOAEL (unitless)

Wt = average weight in kilograms (kg) of the target species

W = average daily volume of water in liters consumed per day (L/d) by the target species

FT(1) = average daily amount of food consumed by the target species in kilograms (kg/d)

BAF(WT)(1) = aquatic life bioaccumulation factor with units of liter per kilogram (L/kg), as derived in Section 302.570

- e) Calculation of the Lake Michigan Basin Wildlife Criterion. TSVs are obtained for each target species. The geometric mean TSV of all mammal species is calculated and also of all bird species. The LMWC is the lower of the bird or mammal geometric mean TSV.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
**DEC 24 1997**

## Section 302.580 Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health - General.

- a) The Lake Michigan Basin human health criteria or values for a substance are those concentrations at which humans are protected from adverse effects resulting from incidental exposure to, or ingestion of, the waters of Lake Michigan and from ingestion of aquatic organisms taken from the waters of Lake Michigan. A Lake Michigan human health threshold criterion (LMHTC) or Lake Michigan Human Health Threshold Value (LMHTV) will be calculated for all substances



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

according to Section 302.585, if data is available. Water quality criteria or values for substances which are, or may be, carcinogenic to humans will also be calculated according to procedures for the Lake Michigan Human Health Northshore Criterion (LMHNC) or the Lake Michigan Human Health Northshore Value (LMHNV) in Section 302.590.

b) Minimum data requirements for BAPs for Lake Michigan Basin human health criteria:

- 1) Tier I:
  - A) For all organic chemicals, either a field-measured BAP or a BAP derived using the BAP methodology is required unless the chemical has a BAP less than 125, then a BAP derived by any methodology is required; and
  - B) For all inorganic chemicals, including elements such as mercury, either a field-measured BAP or a laboratory-measured BAP is required.
- 2) Tier II. Any bioaccumulation factor method in Section 302.570(a) may be used to derive a Tier II criterion.

(Source: Added at 22 Ill. Reg. 1398, effective DEC 24 1997)

### Section 302.585 Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHNC) and the Lake Michigan Basin Human Health Threshold Value (LMHNV)

The LMHNC or LMHNV is derived for all toxic substances from the most sensitive end point for which there exists a dosage or concentration below which no adverse effect or response is likely to occur.

- a) Minimum data requirements:
  - 1) Tier I. The minimum data set sufficient to derive a Tier I LMHNC shall include at least one epidemiological study or one animal study of greater than 90 days duration; or
  - 2) Tier II. When the minimum data for deriving Tier I criteria are not available, a more limited database consisting of an animal study of greater than 28 days duration shall be used.
- b) Principles for development of Tier I criteria and Tier II values:
  - 1) The experimental exposure level representing the highest level tested at which no adverse effects were demonstrated (NOAEL) shall be used for calculation of a criterion or value. In the absence of a NOAEL, a LOAEL shall be used if it is based on relatively mild and reversible effects.
  - 2) Uncertainty factors (UFs) shall be used to account for the general human population based upon experimental animal data or limited human data:
    - A) A UF of 10 shall be used when extrapolating from experimental results of studies on prolonged exposure to average healthy humans;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) A UF of 100 shall be used when extrapolating from results of long-term studies on experimental animals;
  - C) A UF of up to 1000 shall be used when extrapolating from animal studies for which the exposure duration is less than chronic, but greater than subchronic;
  - D) A UF of up to 3000 shall be used when extrapolating from animal studies for which the exposure duration is less than subchronic;
  - E) An additional UF of between one and ten shall be used when deriving a criterion from a LOAEL. The level of additional uncertainty applied shall depend upon the severity, and the incidence of the observed adverse effect;
  - F) An additional UF of between one and ten shall be applied when there are limited effects data or incomplete sub-acute or chronic toxicity data;
  - 3) The total uncertainty (SUM of the uncertainty factors) shall not exceed 10,000 for Tier I criterion and 30,000 for Tier II value; and
  - 4) All study results shall be converted to the standard unit for acceptable daily exposure of milligrams of toxicant per kilogram of body weight per day (mg/kg/day). Doses shall be adjusted for continuous exposure.
- c) Tier I criteria and Tier II value derivation.
- 1) Determining the Acceptable Daily Exposure (ADE)
 

ADE = test value / SUM of the UFs from subsection (b)(2) of this Section

Where:

acceptable daily exposure is in milligrams toxicant per kilogram body weight per day (mg/kg/day)
  - 2) Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Threshold Value (LMHNV)
 

LMHNC or LMHNV =

$$\left[ \text{ADE} \times \text{BW} \times \text{RSC} \right] / \left[ \text{WC} + \left[ \left( \text{FC} \times \text{PL3} \right) \times \text{BAF} \left( \text{HMTL4} \right) \right] \right]$$

Where:

LMHNC or LMHNV is in milligrams per liter (mg/L)

ADE = acceptable daily intake in milligrams toxicant per



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

kilogram body weight per day (mg/kg/day)

RSC = relative source contribution factor of 0.8

BW = weight of an average human (BW = 70 kg)

WC = per capita water consumption (both drinking and incidental exposure) for surface waters classified as public water supplies = two liters/day or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day

FC[TL3] = mean consumption of trophic level 3 fish by regional sport fishers of regionally caught freshwater fish = 0.0036 kg/day

FC[TL4] = mean consumption of trophic level 4 fish by regional sport fishers of regionally caught freshwater fish = 0.0114 kg/day

BAF[HMTL3] = human health bioaccumulation factor for edible portion of trophic level 3 fish, as derived using the BAF methodology in Section 302.570

BAF[HMTL4] = human health bioaccumulation factor for edible portion of trophic level 4 fish, as derived using the BAF methodology in Section 302.570

(Source: Added at 22 Ill. Reg. 13 00, effective 10 24 1997)

Section 302.590 Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV)

A LMHNC or LMHNV shall be derived for those toxic substances for which any exposure, regardless of extent, carries some risk of damage from cancer or a nonthreshold toxic mechanism. For single or combinations of substances, a risk level of 1 in 100,000 (or 10<sup>-5</sup>) shall be used for the purpose of determination of a LMHNC or LMHNV.

a) Minimum data requirements. Minimal experimental or epidemiological data requirements are incorporated in the cancer classification determined by USEPA at Appendix C II A to 40 CFR 132, incorporated by reference at Section 302.510.

b) Principles for development of criteria or values:

1) Animal data are fitted to a linearized multistage computer model (Global 1986 in "Mutagenicity and Carcinogenicity Assessment for 1,3-Butadiene," September 1985 EPA/600/8-85/004a, incorporated by

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

reference at Section 301.106 or scientifically justified equivalents. The upper-bound 95 percent confidence limit on risk at the 1 in 100,000 risk level shall be used to calculate a risk associated dose (RAD); and

2) A species scaling factor shall be used to account for differences between test species and humans. Milligrams per surface area per day is an equivalent dose between species. All doses presented in mg/kg body weight will be converted to an equivalent surface area dose by raising the mg/kg dose to the 3/4 power.

c) Determining the risk associated dose (RAD). The RAD shall be calculated using the following equation:

$$RAD = 0.00001 / q_{11}^*$$

Where:

RAD = risk associated dose in milligrams of toxicant or combinations of toxicants per kilogram body weight per day (mg/kg/day)

0.00001 (1 X 10<sup>-5</sup>) = incremental risk of developing cancer equal to 1 in 100,000

$q_{11}^*$  = slope factor (mg/kg/day)<sup>-1</sup>

d) Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV):

LMHNC or LMHNV =

$$[RAD \times BW] / \{WC + [(FC[TL3] \times BAF[HMTL3]) + (FC[TL4] \times BAF[HMTL4])]\}$$

Where:

LMHNC or LMHNV is in milligrams per liter (mg/L)

RAD = risk associated dose of a substance or combination of substances in milligrams per day (mg/day) which is associated with a lifetime cancer risk level equal to a ratio of 1 to 100,000

BW = weight of an average human (BW = 70 kg)

WC = per capita water consumption for surface waters classified as public water supplies = 2 liters/day, or per capita incidental daily water ingestion for surface waters not used as human drinking water sources = 0.01 liters/day

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

FC(TL3) = mean consumption of trophic level 3 of regionally caught freshwater fish = 0.0036 kg/day

FC(TL4) = mean consumption of trophic level 4 of regionally caught freshwater fish = 0.0114 kg/day

BAF(HMTL3), BAF(HMTL4) = bioaccumulation factor for trophic levels 3 and 4 as derived in Section 302.570

(Source: Added at 22 Ill. Reg. 1997, effective DEC 24 1997)

### Section 302.595 Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

- The Agency shall maintain a listing of toxicity criteria and values derived pursuant to this Subpart. This list shall be made available to the public and updated periodically but no less frequently than quarterly, and shall be published when updated in the Illinois Register.
- A criterion of value published pursuant to subsection (a) of this Section may be proposed to the Board for adoption as a numeric water quality standard.
- The Agency shall maintain for inspection all information including, but not limited to, assumptions, toxicity data and calculations used in the derivation of any toxicity criterion or value listed pursuant to subsection (a) of this Section until adopted by the Board as a numeric water quality standard.

(Source: Added at 22 Ill. Reg. 1997, effective DEC 24 1997)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: Water Use Designations and Site Specific Water Quality Standards
- Code Citation: 35 Ill. Adm. Code 303
- Section Number: Adopted Action: 303.443 Amended
- Statutory Authority: 415 ILCS 5/27.
- Effective Date of Rule(s) (Amendments, Repeals): December 24, 1997
- Does this rulemaking contain an automatic repeal date? No
- Does this rule (amendment, repeal) contain an incorporation by reference? No
- Date Filed in Agency's Principal Office: December 19, 1997
- Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 8829, July 11, 1997
- Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- Difference(s) between proposal and final version: Added the phrase "under Illinois jurisdiction"
- Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- Will this rule (amendments, repeal) replace an emergency rule currently in effect? No
- Are there any amendments pending on this Part? No
- Summary and Purpose of Rule(s): A more detailed description is contained in the Board's Proposed Opinion of December 18, 1997 in 897-25, which is available from the Board at the address specified in question #16 below. This rule was proposed by the Illinois Environmental Protection Agency (IEPA) as a federally required rule pursuant to Section 28.2 of the Environmental Protection Act [415 ILCS 5/28.2]. These amendments propose to modify the Water Quality Standards specific to the Lake Michigan Basin to be as protective as the final water quality guidance for the Great Lakes System published by the United States Environmental Protection Agency on March 23, 1995 at 60 Fed. Reg. 15366. The proposed regulations amend the antidegradation provisions, provide for a phase-out of mixing allowances for certain compounds that bioconcentrate in organisms, promote pollution prevention practices, and establish numerical water quality

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

standards and procedures for the derivation of criteria.

- 16) Requests for information and questions regarding this adopted rule shall be directed to:

Marie E. Tipford  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-4925

The full text of the adopted rule(s) begins on the following page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 303

WATER USE DESIGNATIONS AND SITE SPECIFIC  
WATER QUALITY STANDARDS

## SUBPART A: GENERAL PROVISIONS

Section  
303.100  
303.101  
303.102

Scope and Applicability  
Multiple Designations  
Rulemaking Required

## SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section  
303.200  
303.201  
303.202  
303.203  
303.204

Scope and Applicability  
General Use Waters  
Public and Food Processing Water Supplies  
Underground Waters  
Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

Section  
303.300  
303.301  
303.310  
303.311  
303.312  
303.321  
303.322  
303.323  
303.331  
303.341  
303.351  
303.352  
303.353  
303.361  
303.400  
303.430  
303.431  
303.441  
303.442  
303.443  
303.444

Scope and Applicability  
Organization  
Ohio River Temperature  
Waters Receiving Fluorspar Mine Drainage  
Wabash River Temperature  
Unnamed Tributary of the Vermilion River  
Sugar Creek and Its Unnamed Tributary  
Mississippi River North Temperature  
Mississippi River North Central Temperature  
Mississippi River South Central Temperature  
Unnamed Tributary of Wood River Creek  
Schoenberger Creek; Unnamed Tributary of Cahokia Canal  
Mississippi River South Temperature  
Bankline Disposal Along the Illinois Waterway/River  
Unnamed Tributary to Dutch Creek  
Long Point Slough and Its Unnamed Tributary  
Secondary Contact Waters  
Waters Not Designated for Public Water Supply  
Lake Michigan Basin  
Salt Creek, Higgins Creek, West Branch of the DuPage River, Des

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Plaines River

## SUBPART D: THERMAL DISCHARGES

- Section  
303.500 Scope and Applicability  
303.502 Lake Sangchris Thermal Discharges
- APPENDIX A  
References to Previous Rules
- APPENDIX B  
Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ICS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R86-14 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R89-14(C) at 16 Ill. Reg. 14684, effective December 18, 1990; amended in R92-17 at 18 Ill. Reg. 2381, effective February 14, 1994; amended in R93-13 at 19 Ill. Reg. 13457, effective August 19, 1994; amended in R95-14 at 20 Ill. Reg. 3534, effective February 8, 1996; amended in R97-25 at 22 Ill. Reg. 1405, effective DEC 24 1997.

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE  
SPECIFIC WATER QUALITY STANDARDS

## Section 303.443 Lake Michigan Basin

The waters of the Lake Michigan Basin must shall meet the Lake Michigan Basin water quality standards of 35 Ill. Adm. Code 302 Subpart E. Lake Michigan Basin waters under Illinois jurisdiction consist of the following:

- a) The Open Waters of Lake Michigan means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters;
- b) Lake Michigan harbors and waters (as defined in 35 Ill. Adm. Code 301.440) within Illinois jurisdiction within breakwaters, and waters tributary to Lake Michigan including streams, sloughs, and other watercourses not named elsewhere in this Part; and
- c) The Chicago River, the North Shore Channel, and the Calumet River are not part of the Lake Michigan Basin.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

22 Ill. Reg.

(Source: Amended at  
DEC 24 1997)

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

the authority of the Department of Human Services.  
No budgetary effects are expected on the basis of these changes.

- 16) Request for Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, IL 62763  
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:  
148.25 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 29, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorperations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: August 29, 1997 (21 Ill. Reg. 11881)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
148.140	Amendment	September 26, 1997 (21 Ill. Reg. 13032)

- 15) Summary and Purpose of Amendments: These amendments provide technical clarification concerning the definition of the term "hospital" relative to disproportionate share hospital adjustments in Section 148.25. These changes are necessary because of the consolidation of State human services agencies under the new Department of Human Services, which was created effective July 1, 1997. Since Section 148.25 provides definitions for hospital services that are integral to the reimbursement system, the Department's rules must accurately reflect that hospitals operated by the Department of Mental Health and Developmental Disabilities are now under



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148  
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	Definitions and Applicability
148.25	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Services Not Covered as Hospital Services
148.60	Limitation On Hospital Services
148.70	Organ Transplant Services Covered Under Medicaid (Repealed)
148.80	Organ Transplant Services
148.82	Heart Transplants (Repealed)
148.90	Liver Transplants (Repealed)
148.100	Bone Marrow Transplants (Repealed)
148.110	Disproportionate Share Hospital (DSH) Adjustments
148.120	Outlier Adjustments for Exceptionally Costly Stays
148.130	Hospital Outpatient and Clinic Services
148.140	Public Law 103-66 Requirements
148.150	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.160	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.170	Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.175	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.180	Copayments
148.190	Alternate Reimbursement Systems
148.200	Filing Cost Reports
148.210	Pre September 1, 1991 Admissions
148.220	Admissions Occurring on or after September 1, 1991
148.230	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.240	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.250	Calculation and Definitions of Inpatient Per Diem Rates
148.260	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.270	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.280	Excellence in Academic Medicine Payments
148.285	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

148.290	Adjustments and Reductions to Total Payments
148.295	Critical Hospital Adjustment Payment (CHAP)
148.296	Supplement Critical Hospital Adjustment Payments (SCHAP)
148.297	Pediatric Outpatient Adjustment Payments
148.300	Payment
148.310	Review procedure
148.320	Alternatives
148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective July 1, February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency, amended, at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992, amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 26, 1994; emergency amendment at 18

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6705, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective July 2, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. ~~14147~~ 14148, effective ~~DEC 29 1997~~ DEC 29 1997.

## Section 148.25 Definitions and Applicability

a) Payment for hospital inpatient, hospital outpatient and hospital clinic services shall be made only to a hospital or a distinct part hospital unit as defined in this Section.

b) The term "hospital" means:

1) For the purpose of hospital inpatient reimbursement, any institution, place, building, or agency, public or private, whether organized for profit or not-for-profit, which is located in the State and is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act or any institution, place, building or agency, public or private, whether organized for profit or not-for-profit, which meets all comparable conditions and requirements of the Hospital Licensing Act in effect for the state in which it is located. In addition, unless specifically indicated otherwise, for the purpose of inpatient reimbursement, the term "hospital" shall also include:

A) County-owned hospitals, meaning all county-owned hospitals that are located in an Illinois county with a population of over 3 million.

B) A hospital organized under the University of Illinois Hospital Act.

C) A hospital unit that is adjacent to or on the premises of

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

the hospital and licensed under the Hospital Licensing Act or the University of Illinois Hospital Act.

2) For the purpose of hospital outpatient reimbursement, the term "hospital" shall, in addition to the definition described in subsection (b)(1) above, include an encounter rate hospital. An encounter rate hospital is defined as:

A) An Illinois county-owned hospital located in a county with a population exceeding three million;

B) A hospital organized under the University of Illinois Hospital Act; or

C) A county-operated outpatient facility located in a county with a population exceeding three million that is also located in the State of Illinois.

3) For the purpose of non hospital-based clinic reimbursement, the term "hospital" shall mean:

A) A county-operated outpatient facility, as described in subsection (b)(2)(D) above; or

B) A Certified Hospital Organized Satellite Clinic, as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and subsection (b)(5)(B) below.

4) For the purpose of hospital-based clinic reimbursement, the term "hospital" shall mean a hospital-based clinic meeting the provisions of 89 Ill. Adm. Code 140.461(a) and Section 148.40(d).

5) For the purpose of Healthy Moms/Healthy Kids Reimbursement, as described in 89 Ill. Adm. Code 140.464 and Section 148.40(d)(6), the term "Healthy Moms/Healthy Kids managed care clinic" shall mean a clinic meeting the requirements of 89 Ill. Adm. Code 140.461(f). The following four categories of Healthy Moms/Healthy Kids managed care clinics are recognized under the Healthy Moms/Healthy Kids Program, as described in 89 Ill. Adm. Code 140, Subpart G:

A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A);

B) Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B);

C) Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C); and

D) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D).

6) For the purpose of disproportionate share hospital adjustments, the term "hospital" shall, in addition to the definition in subsection (b)(1) above, mean include the facilities operated by the Department of Human Services, including facilities that Mental-Health-and-Developmental-Disabilities-which are accredited by the Joint Commission on Accreditation of Health Organizations (JCAHO).

c) For the purpose of hospital inpatient reimbursement, the term "distinct part hospital unit" means a hospital, as defined in

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

subsection (b)(1) above, that meets the following qualification(s):

- 1) Distinct part psychiatric units. A distinct part psychiatric unit is a hospital, with a functional psychiatric unit, that is enrolled with the Department to provide inpatient psychiatric services (category of service 21).
- 2) Distinct part Rehabilitation Units. A distinct part rehabilitation unit is a hospital, with a functional rehabilitation unit, that is enrolled with the Department to provide inpatient rehabilitation services (category of service 22).
- 3) A major teaching hospital is defined as a hospital having four or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post - Doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation. Except, in the case of a hospital devoted exclusively to physical rehabilitation, as defined in 89 Ill. Adm. Code 149.50(c)(2), or in the case of a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), only one certified program is required to be so classified.
- 4) Except as provided in subsection (d) above, a teaching hospital is defined as a hospital having at least one, but no more than three, graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation.
- 5) A non-teaching hospital is defined as:

- 1) A hospital that reports teaching costs on the Medicare or Medicaid cost reports but has no graduate medical education programs; or
- 2) A hospital that reports no teaching costs on the Medicare or Medicaid cost reports and that has no graduate medical education programs.

g) Definitions. Unless specifically stated otherwise, the definitions of terms used in Sections 148.130, 148.260, 148.270, and 148.280, and in 89 Ill. Adm. Code 149 are as follows:

- 1) "Base period" means the two most recent cost report years for which audited cost reports are available for at least 90 percent of cost reporting hospitals.

2) "Rate period" means:

- A) For admissions, or if applicable, dates of service, on or after October 1, 1992, and on or before March 31, 1994, the eighteen month period beginning on October 1, 1992, and ending on March 31, 1994.
- B) Beginning with admissions, or if applicable, dates of service, on or after April 1, 1994, the period beginning 90 days after the effective date of DRG PPS rates under the Federal Medicare Program and ending 90 days after any

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

subsection DRG PPS rate change under the federal Medicare Program.

- 3) "Rural hospital" means a hospital that is:

- A) Located:
  - i) Outside a metropolitan statistical area; or
  - ii) Located 15 miles or less from a county that is outside a metropolitan statistical area and that is licensed to perform medical/surgical or obstetrical services and has a combined approved total bed capacity of 75 or fewer beds in these two service categories as of the effective date of P.A. 88-88 (July 14, 1993), as determined by the Illinois Department of Public Health.
- B) The Illinois Department of Public Health must have been notified in writing of any changes to a facility's bed count on or before the effective date of P.A. 88-88 (July 14, 1993).
- 4) "Urban hospital" means a hospital that is located in a metropolitan statistical area that does not meet the criteria described in subsection (g)(3) above.

(Source: Amended at 22 Ill. Reg. 14.1, effective 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/1/79, 10/1/80, 10/1/81, 10/1/82, 10/1/83, 10/1/84, 10/1/85, 10/1/86, 10/1/87, 10/1/88, 10/1/89, 10/1/90, 10/1/91, 10/1/92, 10/1/93, 10/1/94, 10/1/95, 10/1/96, 10/1/97, 10/1/98, 10/1/99, 10/1/00, 10/1/01, 10/1/02, 10/1/03, 10/1/04, 10/1/05, 10/1/06, 10/1/07, 10/1/08, 10/1/09, 10/1/10, 10/1/11, 10/1/12, 10/1/13, 10/1/14, 10/1/15, 10/1/16, 10/1/17, 10/1/18, 10/1/19, 10/1/20, 10/1/21, 10/1/22, 10/1/23, 10/1/24, 10/1/25, 10/1/26, 10/1/27, 10/1/28, 10/1/29, 10/1/30, 10/1/31, 10/1/32, 10/1/33, 10/1/34, 10/1/35, 10/1/36, 10/1/37, 10/1/38, 10/1/39, 10/1/40, 10/1/41, 10/1/42, 10/1/43, 10/1/44, 10/1/45, 10/1/46, 10/1/47, 10/1/48, 10/1/49, 10/1/50, 10/1/51, 10/1/52, 10/1/53, 10/1/54, 10/1/55, 10/1/56, 10/1/57, 10/1/58, 10/1/59, 10/1/60, 10/1/61, 10/1/62, 10/1/63, 10/1/64, 10/1/65, 10/1/66, 10/1/67, 10/1/68, 10/1/69, 10/1/70, 10/1/71, 10/1/72, 10/1/73, 10/1/74, 10/1/75, 10/1/76, 10/1/77, 10/1/78, 10/

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
140.413 Amendment  
140.470 Amendment  
140.471 Amendment  
140.472 Amendment  
140.474 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: December 29, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: August 29, 1997 (21 Ill. Reg. 11889) and September 12, 1997 (21 Ill. Reg. 12399)
- 10) Has JCRC issued a Statement of Objections to these Adopted Amendments? No

11) Differences between Proposed and final version:

Section 140.413

In subsection (a)(9), "twenty-one" has been changed to "21".

At the end of subsection (a)(9)(A)(vii), the period has been changed to a semicolon.

In subsection (a)(9)(B), the "of" after "Department" has been stricken.

In subsection (a)(9)(C), "Children are" has been changed to "Children shall be".

In subsection (a)(10), "acknowledgment" has been changed to "acknowledgment".

In subsection (a)(13)(B), a comma has been added after "antigen test" and the second occurrence of subsection (ii) has been changed to subsection (iii).

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

- Sections 140.470, 140.471, 140.472, 140.474
- In Section 140.470(a), the period has been changed to a semi-colon.
- No other changes have been made in the proposed rulemakings.
- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation            |
|----------|-----------------|---------------------------------------|
| 140.2    | Amendment       | October 17, 1997 (21 Ill. Reg. 13757) |
| 140.470  | Amendment       | August 29, 1997 (21 Ill. Reg. 11889)  |
| 140.471  | Amendment       | August 29, 1997 (21 Ill. Reg. 11889)  |
| 140.472  | Amendment       | August 29, 1997 (21 Ill. Reg. 11889)  |
| 140.474  | Amendment       | August 29, 1997 (21 Ill. Reg. 11889)  |
- 15) Summary and Purpose of Amendments:

Section 140.413

These amendments to the Department's rules concerning coverage for physician services are being made in response to Public Act 90-7. The legislation addresses services related to the early detection of cancer that are already covered by the Department. These services include annual mammography for women age 40 or older, annual Pap smears for women and annual tests for men to detect rectal and prostate cancer. Although the legislation seems primarily related to concerns about practices and limitations in private insurance and HMOs, the language also includes the Department of Public Aid. Therefore, the intent of the legislation is now being specifically detailed in the Department's rules.

These amendments will not result in any budgetary changes because the medical services described are already covered by the Department.

Sections 140.470, 140.471, 140.472, 140.474

These amendments to the Department's rules concerning home health agency (HHA) services are being made in response to policy changes of the Health Care Financing Administration (HCFA). According to these changes, Medicare certifiable HHAs that do not provide services to Medicare clients will be able to enroll in the Medical Assistance Program and provide services to Medicaid clients. Currently, Medicare certification is required for providers of HHA services wishing to enroll in the Medicaid

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Program. The initial surveys to establish Medicare certification are conducted by staff of the Department of Public Health, but funded by HCFA. However, because of other workload priorities, HCFA is reinterpreting these requirements to allow HHAs that provide services to Medicaid clients who are not Medicare eligible to be designated as "Medicare certifiable" according to DPH. Such surveys conducted by DPH will be funded by the HHA providers.

These rule changes may result in an increase in the number of HHAs providing Medicaid services, and a decreased utilization of more costly care environments. Reimbursement levels for HHA services will not change. Therefore, these amendments are not expected to result in any significant budgetary changes.

16) Requests for information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER 11: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER 01: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section	Incorporation By Reference
140.1	Medical Assistance Programs
140.2	Covered Services Under Medical Assistance Programs
140.3	Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.4	Covered Medical Services Under General Assistance
140.5	Medical Services Not Covered
140.6	Medical Assistance Provided to Individuals Under the Age of Eighteen
140.7	Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance For a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section	Enrollment Conditions for Medical Providers
140.11	Participation Requirements for Medical Providers
140.12	Definitions
140.13	Denial of Application to Participate in the Medical Assistance Program
140.14	Recovery of Money
140.15	Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.16	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Effect of Termination on Individuals Associated with Vendor
140.18	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.19	Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.27 Assignment of Vendor Payments  
 140.28 Record Requirements for Medical Providers  
 140.30 Audits  
 140.31 Emergency Services Audits  
 140.32 Prohibition on Participation, and Special Permission for Participation  
 140.33 Publication of List of Terminated, Suspended or Barred Entities  
 140.35 False Reporting and Other Fraudulent Activities  
 140.40 Prior Approval for Medical Services or Items  
 140.41 Prior Approval in Cases of Emergency  
 140.42 Limitation on Prior Approval  
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained  
 140.55 Recipient Eligibility Verification (REV) System  
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice  
 140.72 Voucher Advance Payment and Expedited Payments  
 140.73 Drug Manual (Recodified)  
 140.74 Drug Manual Updates (Recodified)

## SUBPART C: PROVIDER ASSESSMENTS

Section  
 140.80 Hospital Provider Fund  
 140.82 Developmentally Disabled Care Provider Fund  
 140.84 Long Term Care Provider Fund  
 140.84 Medicaid Developmentally Disabled Provider Participation Fee Trust  
 140.94 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund  
 140.95 Hospital Services Trust Fund  
 140.96 General Requirements (Recodified)  
 140.97 Special Requirements (Recodified)  
 140.98 Covered Hospital Services (Recodified)  
 140.99 Hospital Services Not Covered (Recodified)  
 140.100 Limitation on Hospital Services (Recodified)  
 140.101 Transplants (Recodified)  
 140.102 Heart Transplants (Recodified)  
 140.103 Liver Transplants (Recodified)  
 140.104 Bone Marrow Transplants (Recodified)  
 140.110 Disproportionate Share Hospital Adjustments (Recodified)  
 140.116 Payment for Inpatient Services for GA (Recodified)  
 140.117 Hospital Outpatient and Clinic Services (Recodified)  
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)  
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)  
 140.203 Limits on Length of Stay by Diagnosis (Recodified)  
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)  
 140.350 Copayments (Recodified)  
 140.360 Payment Methodology (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.361 Non-Participating Hospitals (Recodified)  
 140.362 Pre July 1, 1989 Services (Recodified)  
 140.363 Post July 1, 1989 Services (Recodified)  
 140.364 Prepayment Review (Recodified)  
 140.365 Base Year Costs (Recodified)  
 140.366 Restructuring Adjustment (Recodified)  
 140.367 Inflation Adjustment (Recodified)  
 140.368 Volume Adjustment (Repealed)  
 140.369 Groupings (Recodified)  
 140.370 Rate Calculation (Recodified)  
 140.371 Payment (Recodified)  
 140.372 Review Procedure (Recodified)  
 140.373 Utilization (Repealed)  
 140.374 Alternatives (Recodified)  
 140.375 Exemptions (Recodified)  
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)  
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.391 Definitions (Recodified)  
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)  
 140.398 Hearings (Recodified)

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section  
 140.400 Payment to Practitioners, Nurses and Laboratories  
 140.410 Physicians' Services  
 140.411 Covered Services By Physicians  
 140.412 Services Not Covered By Physicians  
 140.413 Limitation on Physician Services  
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians  
 140.416 Optometric Services and Materials  
 140.417 Limitations on Optometric Services  
 140.418 Department of Corrections Laboratory  
 140.420 Dental Services  
 140.421 Limitations on Dental Services  
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists  
 140.425 Podiatry Services  
 140.426 Limitations on Podiatry Services  
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry  
 140.428 Chiropractic Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.437	Pharmacy Services
140.440	Pharmacy Services Not Covered
140.441	Prior Approval of Prescriptions
140.442	Filling of Prescriptions
140.443	Compounded Prescriptions
140.444	Legend Prescription Items (Not Compounded)
140.445	Over-the-Counter Items
140.446	Reimbursement
140.447	Returned Pharmacy Items
140.448	Payment of Pharmacy Items
140.449	Record Requirements for Pharmacies
140.450	Mental Health Clinic Services
140.452	Definitions
140.453	Types of Mental Health Clinic Services
140.454	Payment for Mental Health Clinic Services
140.455	Hearings
140.456	Therapy Services
140.457	Prior Approval for Therapy Services
140.458	Payment for Therapy Services
140.459	Clinic Services
140.460	Clinic Participation, Data and Certification Requirements
140.461	Covered Services in Clinics
140.462	Clinic Service Payment
140.463	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.464	Speech and Hearing Clinics (Repealed)
140.465	Rural Health Clinics
140.466	Independent Clinics
140.467	Hospice
140.469	Home Health Services
140.470	Home Health Covered Services
140.471	Types of Home Health Services
140.472	Prior Approval for Home Health Services
140.473	Payment for Home Health Services
140.474	Medical Equipment, Supplies and Prosthetic Devices
140.475	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.476	Limitations on Equipment, Supplies and Prosthetic Devices
140.477	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.478	Limitations, Medical Supplies
140.479	Equipment Rental Limitations
140.480	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichuk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
SUBPART E: GROUP CARE	
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Ced Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement for Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.896	

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	Reimbursement for Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)
140.920	General Description
140.921	Covered Services
140.922	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)
SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM	
Section	Illinois Competitive Access and Reimbursement Equity (ICARE) Program
140.940	(Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medicare Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Poultry Service Schedule

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping (Repealed)
TABLE K	Services Qualifying for 10% Add-On (Repealed)
TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
TABLE M	Enhanced Rates for Maternal and Child Health Provider Services
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].	
SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; peremptory amendment at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151), effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill.	

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985; for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective August 5, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13398, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986; for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2223, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 reclassified to 89 Ill. Reg. 4002, effective February 25, 1987; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table H and 140-Table I reclassified to 89 Ill. Reg. 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 reclassified to 89 Ill. Reg. 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988; for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 reclassified to 89 Ill. Reg. 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 reclassified to 89 Ill. Reg. 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989; for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 reclassified to 89 Ill. Reg. 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989; for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990; for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990; for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140-569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15611, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

repealed at 17 Ill. Reg. 22593, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 20 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1111, effective

DEC 29 1997

SUPPORT D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.413 Limitation on Physician Services

- a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:
- 1) Termination of pregnancy -- only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

premature births must be accompanied by the physician's written certification which specifies that the procedure is necessary for preservation of life of woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of mother or her unborn child.

- 2) Sterilization
  - A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury which would authorize this procedure.
  - B) Nontherapeutic sterilization -- only for recipients age 21 or older and mentally competent. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.
  - C) By-pass surgery for morbid obesity -- only with the prior approval of the Department. The Department shall approve payment for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)
- 4) Psychiatric Services
  - A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department. Psychiatric treatment services are not covered for recipients of General Assistance or Aid to the Medically Indigent.
  - B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.
- 5) Services provided to a recipient in his home -- only when the recipient is physically unable to go to the physician's office.
- 6) Services provided to recipients in group care facilities by a physician other than the attending physician -- only for emergency services provided when the attending physician of record is not available or when the attending physician has made

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 7) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.
- 8) Maternity care -- Payment shall be made for pre-natal and post-natal care only when the following conditions are met:
  - A) the physician, whether based in a hospital, clinic, or individual practice, retains hospital delivery privileges or maintains a written referral arrangement with another physician who retains such privileges or has been included in the Maternal and Child Health Program as a result of having entered into an appropriate Healthy Moms/Healthy Kids Program provider agreement;
  - B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and
  - C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the "Standards for Obstetric Gynecologic Services" (1989 edition), 409 12th Street S.W., Washington, D.C. 20024-2188.
- 9) Physician services to children under age 21 twenty-one
  - A) Payment shall be made only when the physician meets one or more of the following conditions. The physician:
    - i) has admitting privileges at a hospital; or
    - ii) is certified or is eligible for certification in pediatrics or family practice by the medical specialty board recognized by the American Board of Medical Specialties; or
    - iii) is employed by or affiliated with a Federally Qualified Health Center; or
    - iv) is a member of the National Health Service Corps; or
    - v) has been certified by the Secretary of the Department of Health and Human Services as qualified to provide physicians' services to a child under 21 years of age; or
    - vi) has current, formal consultation and referral arrangements with a pediatrician or family practitioner for the purposes of specialized treatment and admission to a hospital. The written referral agreement is kept on file and is available for inspection at the physician's place of business, and

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

details procedures for timely transfer of medical records; or  
vii) has entered into a Maternal and Child Health Provider agreement or has otherwise been transferred in from the Healthy Moms/Healthy Kids Program;

- B) The physician shall certify to the Department of the way in which he or she meets the above criteria; and
- C) Services to children shall be delivered in a manner consistent with the standards of the American Academy of Pediatrics and rules as published by the Illinois Department of Public Health (77 Ill. Adm. Code 630, Maternal and Child Health Services; 77 Ill. Adm. Code 665, Child Health Examinations; 77 Ill. Adm. Code 675, Hearing Screening; 77 Ill. Adm. Code 685, Vision Screening).

- 10) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgment **acknowledgment** of receipt of the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

- 11) Selected surgical procedures including:

- A) Tonsillectomies or Adenoidectomies
- B) Hemorrhoidectomies
- C) Cholecystectomies
- D) Disc Surgery/Spinal Fusion
- E) Hysterectomies
- F) Joint Cartilage Surgery/Meniscectomies
- G) Excision of Varicose Veins
- H) Submucous Resection/Rhinoplasty/Repair of Nasal System
- I) Mastectomies for Non-Malignancies
- J) Surgical procedures which generally may be performed in an outpatient setting (see Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirement.) The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

- 12) Mammography screening

- A) Covered only when ordered by a physician for screening by low-dose mammography for the presence of occult breast

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

cancer under the following guidelines:

- 1) a baseline mammogram for women 35 through 39 years of age; and
- ++ a mammogram every one-to-two years--for women 40 through 49 years of age; or
- 11)++ a mammogram once per year for women 40 56 years of age or older.

- B) As used in this rule, "low-dose mammography" means the x-ray examination of the breast using equipment specifically designated for mammography that will meet appropriate radiological standards.

- 13) Pap tests and prostate-specific antigen tests -- coverage is provided for the following:

- A) An annual cervical smear or Pap smear test for women.
- B) An annual digital rectal examination and a prostate-specific antigen test, upon the recommendation of a physician licensed to practice medicine in all its branches, for:
  - i) asymptomatic men age 50 and over;
  - ii) African-American men age 40 and over; and
  - iii) men age 40 and over with a family history of prostate cancer.

- b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six months after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Amended at 22 Ill. Reg. 6-29-1997, effective 7-1-1997)

## Section 140.470 Home Health Services

Payment may be made for home health care services provided by:

- a) A Medicare-certified home health agency;
- b) A home health agency certified by the Department of Public Health as Medicare certifiable or as meeting the requirements of Medicare;

c) b) A self-employed nurse who is licensed as a registered nurse, when there is no home health agency in the area available to provide needed services;

d) c) A qualified physical speech or occupational therapist who meets the following requirements:

- 1) Physical therapist **therapist** -- must be certified by the Council of Medical Education of the American Medical Association and registration with the appropriate authority as required in the State of practice;
- 2) Speech therapist -- must be certified by the American Speech and Hearing Association;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 3) Occupational therapist - must be registered with the American Occupation Therapy Association; or  
 g) A community health agency.

(Source: Amended at 22 Ill. Reg. 1436, effective DEC 29 1997)

## Section 140.471 Home Health Covered Services

Short term, intermittent, home health services are provided for clients in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home. Services provided shall be of a curative or rehabilitative curative/rehabilitative nature and demonstrate progress toward short term goals outlined in a plan of care. Services shall be provided for homebound individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days.

(Source: Amended at 22 Ill. Reg. 1436, effective DEC 29 1997)

## Section 140.472 Types of Home Health Services

a) The types of services for which payment can be made are:

- 1) Skilled Nursing
  - 2) Home Health Aid
  - 3) Speech Therapy
  - 4) Occupational Therapy
  - 5) Physical Therapy
- b) Home health agencies may provide covered services for which they are certified by Medicare or have been designated as Medicare certifiable by the Department of Public Health. In addition, they may provide medical equipment and appliances if it is the agency's usual and customary practice to provide such items as part of the per visit charge.
- c) In the absence of a qualified Medicare-certified agency in the area, self-employed, registered nurses may provide nursing services within the scope of their practice, as defined by the Illinois Nurse Practice Act or, in other States, by comparable authority.
- d) Independent therapists may provide services for which they are qualified. Community health agencies may provide services for which they have been approved by the Department.

(Source: Amended at 22 Ill. Reg. 1436, effective DEC 29 1997)

## Section 140.474 Payment for Home Health Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- a) Home health agencies shall be paid an all inclusive, per visit rate which shall be the lowest of:
- 1) the agency's usual charge for the service;
  - 2) the agency's Medicare rate; or
  - 3) a statewide flat rate based on the an upper limit established by the Department at the 90th percentile of approved Medicare rates for home health agencies in Illinois all-agencies--participating in-the-program.

- b) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.
- c) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department.

(Source: Amended at 22 Ill. Reg. 1437, effective DEC 29 1997)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers:

<u>Adopted Action:</u>
1040.25 Amendment
1040.29 New Section
1040.36 New Section
1040.37 New Section
1040.38 Amendment
1040.40 Amendment
1040.41 Amendment
1040.52 New Section
1040.60 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104(a)].
- 5) Effective Date of Amendments: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1997
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 13100, (September 26, 1997).
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes
- 13) Will this rule replace any Emergency Rule(s) currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes
 

<u>Section Number</u>	<u>Proposed Action</u>
1040.33	New Section
	Illinois Register Citation
	21 Ill. Reg. 13209
	(October 3, 1997)
- 15) Summary and Purpose of Rule: This proposed rulemaking incorporates

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

recently enacted legislation concerning the Graduated Driver's License Program (PA 90-369).

- 16) Requests for information and questions regarding this Adopted Rule should be directed to:

Mark A. Novak  
 Assistant Counsel to the Secretary  
 2701 S. Dirksen Parkway  
 Springfield, IL 62723  
 Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page:



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 92: TRANSPORTATION

## CHAPTER II: SECRETARY OF STATE

## PART 1040

## CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

- Section  
1040.10 Court to Forward Licenses and Reports of Convictions  
1040.20 Illinois Offense Table  
1040.25 Suspension or Revocation for Driving Without a Valid Driver's License  
1040.29 2 or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years  
1040.30 3 or More Traffic Offenses Committed Within 12 Months  
1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation  
1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently  
1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction  
1040.36 Suspension for Violation of Restrictions on Driver's License  
1040.37 Suspension for Violation of Restrictions on Instruction Permit  
1040.38 Commission of a Traffic Offense in Another State  
1040.40 Repeated Convictions or Collisions  
1040.41 Suspension of Licenses for Curfew Violations  
1040.42 Fleeing and Eluding  
1040.43 Illegal Transportation  
1040.46 Fatal Accident and Personal Injury Suspensions or Revocations  
1040.48 Vehicle Emission Suspensions  
1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver  
1040.52 Driver Remedial Education Course  
1040.55 Suspension or Revocation for Driver's License Classification Violations

- 1040.60 Release of Information Regarding a Disposition of Court Supervision  
1040.65 Offenses Occurring on Military Bases  
1040.66 Invalidation of a Restricted Driving Permit  
1040.70 National Driver Register  
1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card  
1040.100 Rescissions  
1040.101 Reinstatement Fees  
1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 1451, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1333, effective

JAN 01 1998

Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License

a) For purpose of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emission Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Cleared Suspension or Revocation" - a suspension or revocation of driving privileges which has terminated.

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois-Driver-Licensing-Law-of-the Illinois Vehicle Code [625 ILCS 5/6-100].

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

"Curfew Violation Suspension" - suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay fine or appear in court following the issuance of a traffic ticket.

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Miscellaneous Suspension" - safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.

"Prior Suspension or Revocation" - a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" - suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Valid Driver's License or Permit" - license or permit issued by the Secretary of State which is of the proper classification for the purposes for which it is being used and which has not been invalidated, denied, canceled, revoked, suspended or used after curfew.

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

b) When considering prior convictions, only convictions for driving without a valid driver's license within seven-t 7 years prior to of the arrest date of the incoming conviction shall be considered.

c) Only these suspensions or revocations cleared within seven-t 7 years prior to of the forthcoming suspension's or revocation's effective date shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.

d) Miscellaneous suspensions which have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.

e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.

f) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	2 month Suspension
2nd Conviction	4 month Suspension
3rd Conviction	6 month Suspension

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

4th Conviction	12 month Suspension
5th or subsequent Conviction	Revocation
first-conviction	two-(12)-month-suspension
second-conviction	four-(14)-month-suspension
third-conviction	six-(16)-month-suspension
fourth-conviction	twelve-(12)-month-suspension
fifth--or--subsequent convictions	revocation

- g) If a person has one-(1) prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	4 month Suspension
2nd Conviction	6 month Suspension
3rd Conviction	12 month Suspension
4th or subsequent Conviction	Revocation
first-conviction	four-(14)-months-suspension
second-conviction	six-(16)-month-suspension
third-conviction	twelve-(12)-month-suspension
fourth--or--subsequent convictions	revocation

- h) If a person has two--(2) prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	6 month Suspension
2nd Conviction	12 month Suspension
3rd or Subsequent Conviction	Revocation
first-conviction	six-(16)-month-suspension
second-conviction	twelve-(12)-month-suspension
third--or--subsequent convictions	revocation

- i) If a person has three-(3) prior suspensions or revocations or any

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	12 month Suspension
2nd or subsequent Conviction	Revocation
first-conviction	twelve-(12)-month-suspension
second--or--subsequent convictions	revocation

- j) If a person has four-(4) or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

k) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for one-(1) year from the date of the conviction or one-(1) year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-303).

- l) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	4 month Suspension
2nd Conviction	6 month Suspension
3rd Conviction	12 month Suspension
4th or subsequent Conviction	Revocation
first-conviction	four-(14)-month-suspension
second-conviction	six-(16)-month-suspension
third-conviction	twelve-(12)-month-suspension

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

**fourth-and-subsequent convictions**      **revocation**

- m) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has one--(1) prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	6 month suspension
2nd Conviction	12 month suspension
3rd or subsequent Conviction	Revocation
first-conviction	six-(6)-month-suspension
second-conviction	twelve-(12)-month-suspension
third-or---subsequent convictions	revocation

- n) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has two--(2) prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

## ACTION TABLE

Convictions	Action
1st Conviction	12 month Suspension
2nd or subsequent Conviction	Revocation
first-conviction	twelve-(12)-month-suspension
second-or---subsequent convictions	revocation

- o) If a person has a miscellaneous suspension (excluding curfew suspensions) which is in effect, has three--(3) or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.

- p) If a person has a suspension in effect pursuant to Section 6-206(a)(19) or (6) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(19) and 6-206(a)(6)] and

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 22 Ill. Reg. 14.0, effective

**JAN 01 1998**)

**Section 1040.29 2 or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Conviction" - adjudication of guilt as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as provided in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" - suspension in accordance with Sections 7-301 and 7-303 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-301 and 7-303].

"Miscellaneous Suspensions" - suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant racing/traffic, auto emissions, failure



SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENT(S)

to a year, curfew or unsatisfied judgment.

"Prior Suspension or Revocation" - suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Safety Responsibility Suspension" - suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Unsatisfied Judgment Suspension" - suspension in accordance with Sections 7-303 and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

b) A person who has been convicted of 2 or more points assigned traffic offenses as listed in Section 1040.20 of this Part (Type Action 87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action, which were committed on or after January 1, 1998, while the person was under the age of 21, within a 24 month period, shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to Section 6-206(a)(34) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)] provided no more than 6 months have elapsed between the effective date of the suspension or revocation and the last conviction date.

1) If a person's driving record indicates no prior suspensions, 1) excluding miscellaneous suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

## POINT TABLE

## Number of Points

0 through 9  
10 through 34  
35 through 49  
50 through 64  
65 through 79  
Over 79

## Action

No Action  
1 month Suspension  
3 month Suspension  
6 month Suspension  
12 month Suspension  
Revocation

SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENT(S)

2) If the person has had 1 prior suspension or 1 prior revocation within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

## POINT TABLE

## Number of Points

0 through 9  
10 through 34  
35 through 49  
50 through 79  
Over 79

## Action

No Action  
2 month Suspension  
6 month Suspension  
12 month Suspension  
Revocation

3) If the person has had 2 or more prior suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

## POINT TABLE

## Number of Points

0 through 9  
10 through 79  
Over 79

## Action

No Action  
12 month Suspension  
Revocation

4) If the person has in effect a suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment and at least 1 of the 2 or more convictions referenced in subsection (b) above were committed after the effective date of the suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

## POINT TABLE

## Number of Points

0 through 9  
10 through 79

## Action

No Action  
12 month Suspension



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Over 79

Revocation

- 5) Notice of suspension or revocation will be given pursuant to Sections 6-209 and 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Added JAN 01 1988 ) 22 Ill. Reg. -- -- effective

## Section 1040.36 Suspension for Violation of Restrictions on Driver's License

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Conviction" - an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver's License Restriction" - the identification on a driver's license indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket.

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" - suspension in accordance with Sections 7-304 and/or 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

5/7-304 and/or 7-305).

"Miscellaneous Suspensions" - suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.

"Prior Suspension or Revocation" - suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application or a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as provided for in Section 1040.20 of this Part and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" - a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Unsatisfied Judgment Suspension" - suspension in accordance with Sections 7-303 and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

- b) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on a driver's license shall have his/her driving privileges suspended by the Department. If a corrected driver's license which removes the restriction that was violated at the time of arrest is issued on or prior to the conviction date of the incoming conviction for a first offense of a driver's license restriction violation, no action shall be taken against the individual by the Department.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- c) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- d) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on a driver's license within 7 years prior to the arrest date of the incoming conviction shall be considered.
- e) Only those suspensions currently in effect or pending or suspensions or revocations cleared within 7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.
- f) If a person has no prior suspension(s) or revocation(s) of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	2 month Suspension
2nd Conviction	4 month Suspension
3rd Conviction	6 month Suspension
4th or subsequent Conviction	12 month Suspension

- g) If a person has 1 prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	4 month Suspension
2nd Conviction	6 month Suspension
3rd or subsequent Conviction	12 month Suspension

- b) If a person has 2 prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	6 month Suspension
2nd or subsequent Conviction	12 month Suspension

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) If a person has 3 or more prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st or subsequent Conviction	12 month Suspension

- 1) If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for 1 year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of suspension (including curfew suspensions) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].
- k) If a person has a suspension in effect pursuant to Section 6-113(d) of the Illinois Vehicle Code and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the suspension shall be amended in accordance with the guidelines of subsections (f) through (i) of this Part.

(Source: Added at 22 Ill. Reg. 1, effective JAN 1 1990)

## Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## 5/6-206(a)(13).

"Denial of Driver's License" - to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].

"Denial of Driving Privilege" - to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) of the Illinois Vehicle Code [625 ILCS 5/6-107(c)].

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket.

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].

"Financial Responsibility Suspension" - suspension in accordance with Sections 7-304 and/or 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Instruction Permit" - a driving permit issued pursuant to Sections 6-105 or 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-105 or 6-107.1].

"Instruction Permit Restriction" - a limitation imposed on an instruction permit which limits the holder to the operation of a motor vehicle only when accompanied by a licensed driver at least 21 years of age who has a license classification to operate such vehicle and has had 1 year's driving experience with such classification and who is occupying the seat beside the driver.

"Miscellaneous Suspension" - a safety responsibility, family responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

"Prior Suspension or Revocation" - suspension or revocation or extension of suspension or revocation that appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as provided for in Section 1040.20 of this Part and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" - suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" - the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.

b) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

c) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit issued on a driver's license during a period of denial shall have his/her driving privileges suspended by the Department. If the denial has terminated upon receipt of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

d) Miscellaneous suspensions shall not be considered prior suspensions



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

for the purpose of this Section.

- e) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on an instruction permit within 7 years prior to the arrest date of the incoming conviction shall be considered.
- f) Only those suspensions currently in effect or pending or suspensions or revocations cleared within 7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.
- g) If a person has no prior suspension(s) or revocation(s) of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	2 month Suspension
2nd Conviction	4 month Suspension
3rd Conviction	6 month Suspension
4th or subsequent Conviction	12 month Suspension

- h) If a person has 1 prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	4 month Suspension
2nd Conviction	6 month Suspension
3rd or subsequent Conviction	12 month Suspension

- i) If a person has 2 or more prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st Conviction	6 month Suspension
2nd or subsequent Conviction	12 month Suspension

- j) If a person has 3 or more prior suspensions or revocations or any

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

combination thereof and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE	
Convictions	Action
1st or subsequent Conviction	12 month Suspension

- k) If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for 1 year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of suspension (including curfew suspensions) which is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-203 of the Illinois Vehicle Code [625 ILCS 5/6-303].
- l) If a person has a suspension in effect pursuant to Section 6-113(d) of the Illinois Vehicle Code [625 ILCS 5/6-113(d)] and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the suspension shall be amended in accordance with the guidelines of subsections (a) through (j) of this Section.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

JAN 01 1998

## Section 1040.38 Commission of a Traffic Offense in Another State

- a) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for mandatory revocation under Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205] ~~41111-Rev-Stat-1997-ch-95-1/27-Section-6-205~~ shall have his/her driving privileges revoked.
- b) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for suspension or revocation under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206] ~~41111-Rev-Stat-1997-ch-95-1/27-Section-6-206~~, shall have his/her driving privileges reviewed, and shall be subject to the same action as if the offense(s) had occurred within this State.
- c) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for denial under Section 6-107(c) or 6-107(d) of the Illinois Vehicle Code, shall have his/her driving privileges reviewed and shall be subject to the same

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

action as if the offense(s) had occurred within this State.

(Source: Amended at 22 Ill. Reg. 1458, effective January 1, 1998)

## Section 1040.40 Repeated Convictions or Collisions

a) For the purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" - suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101]. "Auto Emissions Suspension" - suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 13A-101 et seq.);

"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100]. "Conviction" - a final adjudication of guilty by a court of competent jurisdiction either after a bench trial or trial by jury, plea of guilty, order of forfeiture or default as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 6-100);

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)]. "Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the AN Act relating to a curfew for certain children (Ill. Rev. Stat., 1997, ch. 23, par. 237) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 6-206(a)(13));

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket. "Failure to Appear Suspension" - suspension for failing to pay a fine or appear in court following the issuance of a traffic

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

ticket as provided in Section 6-306.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 6-306.3);

"Family Financial Responsibility Suspension" - suspension in accordance with Sections 7-702 and/or 7-704 of the Illinois Safety and Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and/or 7-704];

"Financial Responsibility Suspension" - suspension in accordance with Sections 3-304 and/or 7-305 of the Illinois Safety and Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305]. "Financial Responsibility Suspension" - suspension in accordance with Sections 7-304 and/or 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 7-304 and/or 7-305);

"Miscellaneous Suspensions" - safety responsibility, family responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment. "Miscellaneous Suspensions" - suspensions for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment;

"Prior Suspension or Revocation" - a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" - the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as provided for in Section 1040.20 of this Part and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" - a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208]. (Ill. Rev. Stat., 1997, ch. 95 1/2, par. 7-205 and 7-208);

"Unsatisfied Judgment Suspension" - suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].



## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Unsatisfied--Judgement--Suspension---suspension for arrest warrants issued for failure to pay fines for traffic or parking violations. Warrant-Parking/Traffic-Suspension---suspension for arrest warrants issued for failure to pay fines for traffic or parking violations--as described in Sections 6-366.3 and 6-366.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (1111 Rev. Stat. 19077-chr-95-1/27-par-6-366.3 and 6-366.5).

Warrant Parking/Traffic Suspension - suspension for arrest warrants issued for failure to pay fines for traffic or parking violations. Warrant-Parking/Traffic-Suspension---suspension for arrest warrants issued for failure to pay fines for traffic or parking violations--as described in Sections 6-366.3 and 6-366.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (1111 Rev. Stat. 19077-chr-95-1/27-par-6-366.3 and 6-366.5).

b) A person who has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree which indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle, or whose record indicates disrespect for traffic laws and the safety of other persons on the highway, shall be reviewed by the Department for possible driver's license and/or driving privilege suspension or revocation pursuant to Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-206(a)(3)). Upon review, if a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a twelve-month suspension or revocation entered under Section 1040.30 of this part, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the twelve-month suspension, the person's driving privileges shall be revoked under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-206(a)(3)).

c) A person who has been convicted of three or more point assigned traffic violations committed within a twelve-month period as listed in Section 1040.20 of this Part (type action 97 or 99), excluding any conviction previously used as a basis for action, shall be identified for review for possible driver's license and/or driving privilege suspension or revocation pursuant to Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-206(a)(3)).

1) If a person's driving record indicates one or more point assigned suspensions or revocations under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-206(a)(3)) within a seven year period from the effective date of the revocation, the following point table shall be used to

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

enter an order of revocation and shall be recorded to the driving record:

## POINT TABLE POINT-TABLE

Number of Points Number-of-Points	Action Action
--------------------------------------	------------------

0 through 14 15 or more	No Action Revocation
----------------------------	-------------------------

2) If a person's driving record indicates two or more point assigned suspensions or revocations within a seven-year period from the effective date of the suspension or revocation, excluding miscellaneous suspensions and suspensions or revocations under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-206(a)(3)), the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

## POINT TABLE POINT-TABLE

Number of Points Number-of-Points	Action Action
--------------------------------------	------------------

0 through 14 15 through 109 110 or more	No Action A 12 month Suspension Revocation
---	--

3) If a person has a point total which exceeds 109 and more than six months have elapsed between the time of the last conviction date and the effective date of the order of revocation, an order of revocation shall be entered and recorded to the driving record.

4) Notice of suspension or revocation will be given pursuant to Section 6-209 of the Illinois Driver Licensing Law of the Illinois Vehicle Code and Section 2-114 of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-114 and 6-209] (1111 Rev. Stat. 19077-chr-95-1/27-par-6-209 and 2-114).

d) An order of revocation shall be entered and recorded to the driving record pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code if a person has been convicted of 2 or more point assigned traffic violations committed:

1) either:

A) within a 24 month period as specified in Section 1040.20 of this Part (87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

or  
B) on or after January 1, 1998; and

- 2) while under the age of 21, has a point total that exceeds 79, and more than 6 months have elapsed between the latest conviction date and the effective date of the order of revocation.

e) If a person has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree which indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or his/her driving record indicates disrespect for traffic laws and the safety of other persons on the highway, that person shall be reviewed by the Department for possible driver's license and/or driving privilege revocation pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-203(a)(3)]. Upon review, if a determination is made by the Department that additional convictions accumulating 65 or more points have been received after the effective date of a 12 month suspension or revocation entered under Section 1040.29 of this Part and the 65 or more additional or accumulated points were a result of convictions occurring during the same period of time as the suspensions used for the 12 month suspension or revocation, that person's driving privileges shall be revoked under Section 6-206(a)(3) of the Illinois Vehicle Code.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 1 1998.)

## Section 1040-41 Suspension of Licenses for Curfew Violations

- a) For purposes of this Section, the following definitions shall apply:

"Adult" - person eighteen (18) years of age or older;  
"Conviction" - adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].

"Curfew" - stipulated hours which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act "AN Act relating to a curfew for certain children" [720 ILCS 555/1] (Ill.-Rev.-Stat.-1997, ch.-23, par-23a).

"Department" - Department of Driver Services within the Office of the Secretary of State.

- b) A person who is under 17 years old is in violation of Section 6-110(a) of 6-107.1(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-110(a) or 6-107.1(b)] (Ill.-Rev.-Stat.-1997, ch.-95-1/2, par-6-110(f)) if he/she operates a motor vehicle on

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

any highway during any time such licensee is prohibited from being in a public place because of curfew.

- c) The Department shall take the following action pursuant to Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)] (Ill.-Rev.-Stat.-1997, ch.-95-1/2, par-6-206(f)) for curfew violation convictions:

- 1) 1st Conviction - 60 day suspension
- 2) 2nd Conviction - 90 day suspension
- 3) 3rd Conviction or more - 6 month suspension

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 1 1998.)

## Section 1040-52 Driver Remedial Education Course

- a) For purposes of this Section the following definition shall apply:

"Driver Remedial Education Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

- b) The Secretary of State shall require a driver under the age of 18, whose driving privileges have been suspended pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33) and/or (34) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33) and/or (34)] to successfully complete a driver remedial education course prior to the reinstatement of his/her driving privileges.

- c) The Secretary of State upon the termination of a suspension period of a driver under the age of 18, whose driving privileges have been suspended pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33) and/or (34) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33) and/or (34)] shall invalidate a driver's license in accordance with 92 Ill. Adm. Code 1030.97, of a driver who has failed to successfully complete a driver remedial education course.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 1 1998.)

## Section 1040-60 Release of Information Regarding a Disposition of Court Supervision

- a) Information pertaining to a driver's placement on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) Section 6-303. Driving while license, permit or privilege to operate a motor vehicle is suspended or revoked;
  - 2) Section 11-401. Leaving the scene of a traffic accident involving death or personal injury;
  - 3) Section 11-501. Driving under the influence of alcohol, other drugs, or a combination thereof;
  - 4) Section 11-503. Reckless driving; or
  - 5) Section 11-504. Drag racing;
- shall not be released or made available to any source outside the office of the Secretary of State except as expressly provided in subsection (c) of this Section.
- b) Information pertaining to placement of a driver under age 21 on court supervision for any of the following offenses of the Illinois Vehicle Code or similar provisions of a local ordinance:
- 1) Section 6-101. Operating a motor vehicle without a valid license or permit;
  - 2) Section 11-402(a). Collision involving damage to vehicles only; failure to stop, exchange information and make report;
  - 3) Section 11-403. Failure to stop and exchange information after motor vehicle collision; property damage only;
  - 4) Section 11-403. Failure to stop and exchange information or give aid after motor vehicle collision; personal injury involved;
  - 5) Section 11-502. Illegal transportation, possession, or carrying any alcoholic liquor within the passenger area of any motor vehicle;
  - 6) Section 11-504. Speeding charge; 30 miles per hour or more above the legal speed limit;
  - 7) Section 11-503. Reckless driving;
  - 8) Section 11-707(b). Driving on the left side of roadway where prohibited;
  - 9) Section 11-707(d). Passing in a no-passing zone;
  - 10) Section 11-1402(b). Limitations on backing upon controlled access highway;
  - 11) Section 11-1002(e). Failure to yield right-of-way to a pedestrian at an intersection;
  - 12) Section 11-1008. Failure to yield to a pedestrian on a sidewalk, or
  - 13) Section 11-1201. Failure to stop for approaching railroad train or signal;
- shall not be released or made available to any source outside the office of the Secretary of State, except as expressly provided in subsection (c) of this Section.
- c) Information pertaining to a driver's placement on court supervision for any of the offenses named in subsections subsection (a) and (b) of this Section shall be released to the following parties only upon receipt of a proper written request: Federal Courts, State Courts, prosecuting authorities, law enforcement authorities, the driver, or his/her attorney.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- 1) "Proper request" shall mean a written request for an abstract of driver's record submitted pursuant to Section 2-123 of the Illinois Vehicle Code. The request shall be submitted on the business letterhead of the requesting party and shall be signed by the judge, the prosecutor of the agency, the law enforcement authority, or the individual's attorney. Any individual may also request an abstract of his/her driving record. The request shall include the following information concerning the driver if such information is known to the requesting party:
  - A) full name, including middle initial;
  - B) address;
  - C) birthdate;
  - D) sex;
  - E) driver's license number;
  - F) date of offense;
  - G) offense charged;
  - H) court date, if applicable.
- 2) The office of the Secretary of State shall provide sufficient information on the abstract of a driver's record to enable the requesting party to obtain specific details of the matter by contacting the court which has previously granted the disposition of supervision.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
JAN. 01 1983)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers

Adopted Action

1030.11

Amendment

1030.13

Amendment

1030.65

Amendment

1030.97

Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104(a)].

5) Effective Date of Amendments: January 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 29, 1997

9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 13128, (September 26, 1997).

10) Has JCAR issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Rule: This proposed rulemaking incorporates recently enacted legislation concerning the graduated driver's license program (PA 90-369).

16) Requests for information and questions regarding this Adopted Rule should be directed to:

Mark A. Novak  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

The full text of the Adopted Rule begins on the next page.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 92: SECRETARY OF STATE

## CHAPTER II: SECRETARY OF STATE

## PART 1030

## ISSUANCE OF LICENSES

- Section  
1030.10 What Persons Shall Not be Licensed or Granted Permits  
1030.11 Procedure for Obtaining a Driver's License  
1030.12 Driver's License Medical Advisory Board  
1030.13 Denial of License or Permit  
1030.14 Cite for Re-examination  
1030.15 Physical and Mental Evaluation  
1030.16 Errors in Issuance of Driver's License/Cancellation  
1030.17 Medical Criteria Affecting Driver Performance  
1030.18 Classification of Drivers-References  
1030.19 Classification Standards  
1030.20 Fifth Wheel Equipped Trucks  
1030.40 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation  
1030.55 Computer Van Driver Operating a For-Profit Ridesharing Arrangement  
1030.60 Third-Party Certification Program  
1030.63 Religious Exemption for Social Security Numbers  
1030.65 Instruction Permits  
1030.70 Driver's License Testing/Vision Screening  
1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)  
1030.80 Driver's License Testing/Written Test  
1030.81 Endorsements  
1030.84 Vehicle Inspection  
1030.86 Driver's License Testing/Road Test  
1030.88 Multiple Attempts/Road Test  
1030.89 Exemption of Facility Administered Road Test  
1030.89 Temporary Licenses  
1030.90 Requirement For Photograph and Signature of Licensee on Driver's License  
1030.91 Disabled Person/Handicapped Identification Card  
1030.92 Restrictions  
1030.93 Restricted Local Licenses  
1030.94 Duplicate or Corrected Driver's License or Instruction Permit  
1030.95 Diplomatic and Consular Licenses  
1030.96 Restricted Commercial Driver's License  
1030.97 Invalidation of a Driver's License or Permit  
1030.98 School Bus Commercial Driver's License  
1030.100 Anatomical Gift Donor  
1030.110 Emergency Medical Information Card  
1030.115 Change-of-Address  
1030.120 Issuance of a Probationary License

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## 1030.130 Grounds for Cancellation of a Probationary License

## APPENDIX A Questions Asked of a Driver's License Applicant

## APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 931, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 13487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14779; amended





## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107].

- C) The Secretary of State shall deny a driver's license to any applicant under 18 years of age.

1) Who has not attained the age of 16, who has not passed an approved driver education course as defined in Section 1-103 of the Illinois Vehicle Code, or has not submitted proof of having passed the course as may be required by the Secretary of State.

- 2) Who has been convicted of a violation of Section 6-101 of the Illinois Vehicle Code or a similar provision of a local ordinance or similar out-of-state offense regarding operating a motor vehicle without a valid driver's license or permit committed on or after January 1, 1996.

- d) The Secretary of State shall deny a driver's license to any applicant under 18 years of age for a period of 6 months or until the applicant's 18th birthday, whichever period is shorter, who as of January 1, 1996 has been convicted of committing a violation of an offense defined as a serious traffic violation in Section 1-187.001 of the Illinois Vehicle Code [625 ILCS 5/1-187.001].

- e) Any applicant who has been denied a license or permit under the provisions of Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/2-118] may appeal said determination to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois Vehicle Code.

(Source: Amended at 22 Ill. Reg. 14, effective JAN 01 1996)

## Section 1030.65 Instruction Permits

- a) For purposes of this Section, the following definitions shall apply:

"Applicant" - person applying for an instruction permit.

"Certificate of Completion (Blue Slip)" - a document issued by the Illinois State Board of Education or the office which regulates education in another state to students who have successfully completed their driver education course. The blue slip in Illinois is issued by the Illinois Secretary of State's Office if the student completed behind the wheel instruction at an approved commercial driving school as provided in 92 Ill. Adm. Code 1060 and Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-411(g)] [1997 Rev-Stat-1997-Chr-95-3/7-Par-6-411(g)].

"Class 'L' Instruction Permit" - permit to operate a motor driven

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

cycle with less than 150 cc displacement.

"Class 'M' Instruction Permit" - permit to operate any motorcycle or any motor driven cycle.

"Competent Medical Specialist" - a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Education Course" - a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, rules of the road and the law of the State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act [105 ILCS 5/27-24] [1997 Rev-Stat-1997-Chr-95-3/7-Par-27-24-et-seq] and Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103] [1997 Rev-Stat-1997-Chr-95-3/7-Par-1-103].

"Driver Education Specialist" - an individual trained by a Rehabilitation Institute to evaluate an applicant's background information, administer classroom tests, and assess the driving skills under varying traffic conditions.

"Driver Rehabilitation Specialist" - a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).

"Driving Evaluation" - Assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution Rehabilitation Institution.

"Favorable Medical Report" - a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

"Illinois Medical Restriction Card" - a card which specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-113] (HJR--Rev.--Stat--1989, CH--95-127-par-6-113).

"In Loco Parentis" - person who is acting in place of a minor's parent with a parent's rights, duties, and authority.

"Instruction Permit" - a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].

"Licensed Physician" - physician licensed to practice medicine in the State of Illinois.

"Medical Report" - a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16 of this Part, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.

"Minor" - a person under 18 years of age eighteen.

"Rehabilitation Institution" - any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services driver-services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

c) A minor who wishes to receive an instruction permit shall be at least fifteen (15) years old and enrolled in a driver education course.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

Any minor who has been enrolled in a driver education program out-of-state shall provide proof of such enrollment before he/she shall be issued an Illinois instruction permit. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course if he/she wants to apply for a driver's license before he/she is eighteen (18) years of age. If the minor is sixteen (16) years of age or older and has in his/her possession a certificate of completion or the equivalent, from another state's driver education program, he/she shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent for Illinois of a certificate of completion from an out-of-state driver education course shall include but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office in the state which regulates education.

d) A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided he/she:

1) Submits written documentation on a form prepared or approved by the Secretary of State stating that the minor is enrolled in school and proof that the student has received a passing grade in at least 8 courses during the previous 2 semesters as required by the Driver Education Act, or submits a written waiver, pursuant to Section 6-103(1) of the Vehicle Code, from a superintendent or chief school administrator;

2) Submits a written waiver on a form prepared or approved by the Secretary of State from a superintendent or chief administrator stating that, through no fault of the minor, he/she will be unable to be enrolled in a driver education course until after his/her 16th birthday and the school would have no objection to the issuance of the instruction permit; and

3) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

An Illinois instruction permit issued to a minor under this subsection (d) may be canceled upon receipt of a report from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State stating that the minor has failed to enroll in a driver education course.

e) The minor who is not legally emancipated by marriage or court order shall have his/her application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

f) The instruction permit shall be issued to a non-emancipated minor for



## NOTICE OF ADOPTED AMENDMENT(S)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

a period of 2 years one-fourth year upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee as established for driver's instruction permits in Section 6-118(a) of the Illinois Driver's Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118(a) Rev. Stat. 1989, ch. 95-1/2, par. 6-118(a)] must be submitted obtained and the written and vision exams must be successfully completed within the time specified in the instruction permit. The Secretary of State signed by the parent, guardian, or person in loco parentis. The driver's education instructor shall also sign the application unless the applicant presents a certificate of completion (blue slip).

g) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for one 1/4 year upon successful completion of the written and vision exams.

h) Applicants whose driving privileges have been canceled and canceled based upon receipt by the Department of a medical report statement indicating the applicant has a medical condition which impairs his/her ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report request for an instruction permit from the applicant along with a statement from a competent medical specialist licensed physician at a rehabilitation institution describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist driver education specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services Facility to take the written examination, vision test and submit the required fee as provided in Section 6-118 of the Illinois Driver's Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118(a) Rev. Stat. 1989, ch. 95-1/2, par. 6-118(a)]. Upon successful completion of the written and vision tests, he/she shall be issued, if not otherwise disqualified, an instruction permit which shall be valid for twelve (12) months, but shall be canceled upon receipt of a written statement from a competent medical specialist licensed physician at a rehabilitation institution that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department, and the Department shall send the applicant an authorization form instructing him/her to appear at a Driver Services Facility to take the driver's education portion of the examination. Upon the applicant's successful completion of the driver's examination, a driver license shall be issued. An applicant must be at least sixteen 1/2 years old to obtain a class "L" instruction permit. He/she shall have obtained his/her blue slip at the time he/she applies for the "L" instruction permit. If

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

he/she is at least eighteen 1/2 years old, a blue slip is not necessary. The class "L" instruction permit is issued by the Secretary of State to a person eighteen 1/2 years old or older for a period of 1 year. Class "M" instruction permits shall be issued for a period of 2 years to persons sixteen 1/2 or seventeen 1/2 years old who have obtained his/her blue slip at the time he/she applies for the class "M" instruction permit and if they have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's office before an instruction permit shall be issued.

k) An applicant who is 17 years and 9 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided he/she has successfully completed the vision and written exams.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, 1990)

## Section 1030-97 Invalidation of a Driver's License or Permit

(a) For purposes of this Section the following definitions shall apply:

"Driver Remedial Education Course" - an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

"Invalidation" - the withdrawal, by consent, court order, or death of the holder, of the holder's failure to complete a driver remedial education course, of the validation of a person's license or permit in accordance with Section 6-109(e)-(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. 1].

"Law Enforcement" - a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Secretary of State Employee" - all supervisory personnel within the Department of Driver Services of the Office of the Secretary of State.

(b) The Secretary of State shall invalidate a driver's license or permit when:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENT(S)

- (f) When the holder voluntarily surrenders the license or permit and declares his/her intention to do so in writing to the Secretary, or
- (g) When the Secretary receives a certified court order indicating the holder is to refrain from driving; or
- (h) Upon the death of the holder; or
- (i) Upon the termination of a suspension period of a driver under the age of 18 whose driving privileges have been suspended pursuant to Section 6-106(a)(4), (11), (16), (21), (31), (33) and (34) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33) and (34)], who has failed to successfully complete a driver remedial education course.
- (j) A driver's license or permit invalidated based upon a voluntary surrender under this Section may be reinstated in the same manner as prescribed by Sections 6-114 and 6-115 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-114 and 5/6-115].
- (k) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges, except upon the death of the holder.
- (l) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent provided the actual license or permit bears a readily identifiable designation evidencing invalidation. (f) To invalidate a license or permit a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State, a law enforcement officer, or a coroner.
- (m) The Secretary of State employees, law enforcement officer, or coroner who invalidates a license or permit, shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.
- (n) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- (o) A driver whose driving privileges are invalidated based upon the driver's failure to complete a driver remedial education course may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and retesting under Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109] if the suspension period is 6 months or greater.

(Source: Amended, at \_\_\_\_\_, Reg. \_\_\_\_\_, effective

JAN 11 1990

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Charter Schools
- 2) Code Citation: 23 Ill. Adm. Code 650
- 3) Section Numbers: Emergency Action:  
650.30  
Amendment  
650.40  
Amendment  
650.60
- 4) Statutory Authority: 105 ILCS 5/Art. 27A (see P.A. 90-548, effective January 1, 1998).
- 5) Effective Date of Amendments: January 1, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: December 29, 1997
- 8) Reason for Emergency: Enactment of P.A. 90-548 on December 4 has established a new role for the State Board of Education with regard to charter schools. Effective January 1, 1998, the State Board will be authorized to consider appeals of local boards' denials and to determine whether a particular school should be chartered, based on whether it would be in the best interests of the students it is designed to serve. The agency has determined that the public interest requires emergency rulemaking, because several charter school proposals are pending that may be expected to result in appeals to the State Board under the new provisions of the law. In the absence of these amendments, the agency would not be in a position to give appropriate consideration to such appeals.

9) A Complete Description of the Subjects and Issues Involved:

Several aspects of the rules for charter schools need to be changed in light of the expanded scope of the Board's review of appeals.

Section 650.30 is being amended to secure the resolution of denial adopted by a local board, thereby ensuring that the State Board will be informed as to the Board's rationale for rejecting a proposal. This is based on our experience with supporting documentation in appeals received to date.

Section 650.40 is being changed to remove the limitation on the scope of the agency's review, as well as to provide the time that will be needed for in-depth consideration of a proposal's merits.

Section 650.60 also needs to conform to the broader role of the agency under the new law and provide explicitly for direct access to such



## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

additional information as may be needed.

- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.
- 12) Information and questions regarding this amendment shall be directed to:

Michael J. Hernandez  
Chief Legal Advisor  
Illinois State Board of Education  
100 North First Street  
Springfield, IL 62777  
(217) 782-2223

The full text of the emergency amendments begins on the next page:

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER 1: STATE BOARD OF EDUCATION  
SUBCHAPTER 0: MISCELLANEOUS

PART 650  
CHARTER SCHOOLS

## Section

650.10 Definitions

650.20 Purpose

650.30 Submission to State Board of Education

EMERGENCY

650.40 Review by State Board

EMERGENCY

650.50 Revision and Renewal of Charters

650.60 Appeal of Local School Board Reports

EMERGENCY

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A] (see P.A. 90-548, effective January 1, 1998).

SOURCE: Emergency rules adopted at 20 Ill. Reg. 6329, effective April 23, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 8677, effective June 25, 1996, for a maximum of 150 days; new Part adopted at 20 Ill. Reg. 15284, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 1476, effective January 1, 1998, for a maximum of 150 days.

## Section 650.30 Submission to State Board of Education

EMERGENCY

Local board(s) of education shall report to the State Board of Education as to the action by the local board(s) of education with regard to an application for, revision of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant at the same time that the report is submitted to the State Board of Education. The report shall include a notice to the applicant informing the applicant that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days after the date that the report is submitted to the State Board of Education. Reports shall be submitted as follows:

- a) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board. The form shall include a certification as to compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president(s) of the local school board(s) and the appropriate officers of the charter school governing

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

body. Section 27A-6 of the School Code provides that a proposed contract between the governing body of a proposed charter school and the local school board must be submitted to and certified by the State Board before it can have effect.

- b) Reports of denials, revocations or non-renewals shall consist of the charter proposal of current charter contract as voted upon by the local board(s) of education and a copy of each board's resolution setting forth the board's action and its reasons for the action ~~any rationale cited by the board for its action (every text of motion denied) and a record of the vote of the board(s) on the proposal.~~

- c) A certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, must be submitted with all reports.

- d) Reports shall be submitted via certified mail, return receipt requested, to:

Illinois State Board of Education  
Charter Schools  
100 North First Street P.O. Box 6404  
Springfield, Illinois 62777 62798

No electronic or facsimile transmissions will be accepted.

- e) Reports must be postmarked no later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.

- f) Section 27A-4(b) of the School Code limits the number of charter schools and requires the State Board of Education to process applications in the order received. In order to ensure fair and prompt consideration by the State Board of Education, applications for approved proposals addressed other than as specified in subsection (d) of this Section or postmarked later than 7 calendar days following the date of approval by all school boards involved shall not be processed.

(Source: Emergency amendment at 22 Ill. Reg. ~~1~~ <sup>1</sup> ~~1~~ <sup>1</sup>, effective January 1, 1998, for a maximum of 150 days)

## Section 650.40 Review by State Board

## EMERGENCY

- a) Pursuant to Section 27A-6(d) of the School Code, the State Board shall assign a number to each submission or resubmission in chronological order of its receipt within each of the three geographic regions delineated in Section 27A-4 of the School Code. The State Board shall notify local boards of education when the maximum numbers of charter schools authorized for any region have been reached, and no further

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

applications from such region(s) shall be processed until such time as the number of charter schools operating in a region falls below the maximum authorized. Notification shall be provided in a manner designed to reach each school district superintendent in the region.

- b) The State Board shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements which are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers have been reached. A certified copy of the charter shall be sent to the local school board(s) and the charter school governing body. No charter school may be authorized to open prior to the fall of 1996 (Section 27A-4(1) of the School Code).

- c) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Board shall so notify the submitting school board(s) and the applicant, identifying the area(s) of deficiency that must be remedied before the proposal can be considered for certification.

- d) The State Board shall review a report of a denial, revoked or non-renewed charter application or revision if an appeal is filed under Section 650.60 of this Part by the applicant. ~~The review shall be limited to ascertaining compliance with the notice and hearing requirements of Article 27A and to determining that the rationale of the school board(s) does not contain any errors as to the applicable legal requirements.~~

- e) The State Superintendent shall notify the local school board(s) and the applicant as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within 14 days after receipt of the report (Section 27A-8(f) of the School Code). If an appeal of a denial, revoked or non-renewed charter application or revision is submitted pursuant to Section 650.60 of this Part, the State Superintendent shall notify the local school board(s) and the charter applicant by certified mail as to the determination made with respect to the review within 60 <sup>14</sup> days after receipt of the appeal, provided that this response time shall not commence until the State Board receives any additional information from the parties deemed necessary pursuant to Section 650.60 of this Part.

(Source: Emergency amendment at 22 Ill. Reg. ~~1~~ <sup>1</sup> ~~1~~ <sup>1</sup>, effective January 1, 1998, for a maximum of 150 days)

## Section 650.60 Appeal of Local School Board Reports

## EMERGENCY

- a) An applicant for a charter or a charter holder may appeal to the State

## STATE BOARD OF EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

Board of Education a local school board report which denies, revokes or refuses to renew a charter application only if the local school board(s) did not comply with the notice and hearing requirements of Article 27A of the School Code or if the local school board(s) made errors in applying the legal requirements of Article 27A or both. The appeal must state the reasons why the appeal should be granted and must be postmarked not later than 14 calendar days following the date of the report's submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:

Illinois State Board of Education  
 Charter Schools  
 100 North First Street P-67-Box 6404  
 Springfield, Illinois 62777 62708

No electronic or facsimile transmissions will be accepted. Appeals addressed other than as specified above or postmarked later than 14 calendar days following the date of submission of the report shall not be processed.

- b) The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.

(Source: Emergency amendment at 22 Ill. Reg. 14.1, effective January 1, 1998, for a maximum of 150 days)

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Consumer Installment Loan Act
- 2) Code Citation: 38 Ill. Adm. Code 110
- 3) Section Numbers:  
 110-1 110.80 110.170  
 110-10 110.90 110.180  
 110-15  
 110-20 110.100 110.190  
 110-30 110.110 110.200  
 110-40 110.120 110.210  
 110-215  
 110-50 110.130 110.220  
 110-60 110.140  
 110-65 110.225  
 110-70 110.150 110.230  
 110-160  
 110-170  
 110-230  
 110-240  
 110-250 110.260  
 110-Table A  
 110-Table B
- Emergency Action:  
 Amendment  
 Amendment  
 Added  
 Amendment  
 Amendment  
 Amendment  
 Added  
 Amendment  
 Added  
 Repealed  
 Repealed

- 4) Statutory Authority: 205 ILCS 670/221

- 5) Effective Date of Amendments: January 2, 1998

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

- 7) Date Filed in Agency's Principal Office: December 18, 1997

- 8) Reason for Emergency: The Consumer Installment Loan Act has been amended and the amendments take effect on January 1, 1998. In order to properly regulate the licensees, and to remove any conflicts with the statute, the rules must be amended.

- 9) A Complete Description of the Subjects and Issues Involved: The Department, pursuant to the Consumer Installment Loan Act, licenses consumer lenders and the failure to amend the rules will cause the lenders to be in violation of the rules or Act.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objective: The Department believes that this rulemaking neither creates nor expands a state mandate.

- 12) Information and questions regarding this rulemaking shall be directed to:

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

M. Rose Kelly, Chief Counsel  
 100 W. Randolph, Suite 15-700  
 Chicago, IL 60601  
 312-814-1524

The full text of the emergency amendments begins on the next page:

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
 CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

## PART 110

## CONSUMER INSTALLMENT LOAN ACT

Section	
110.1	Definitions
EMERGENCY	
110.10	Minimum Requirements for Office Records
EMERGENCY	
110.15	Application for License
EMERGENCY	
110.20	Loan Register
EMERGENCY	
110.30	Individual Account Records
EMERGENCY	
110.40	File of Original Papers
EMERGENCY	
110.50	Cash Book
EMERGENCY	
110.60	Alphabetical Record of Borrowers-Endorsers, Co-Makers, Obligor's
EMERGENCY	
110.65	Guarantors Sureties
EMERGENCY	
110.70	Permanent File
EMERGENCY	
110.80	Simple Interest Loans
EMERGENCY	
110.90	Cancellation and Return of Documents
EMERGENCY	
110.100	Finance Charges - Rebates and Delinquency Charges
EMERGENCY	
110.110	Hypothecation of Obligor's Borrower's Notes
EMERGENCY	
110.120	Legal Forms
EMERGENCY	
110.130	Judgments
EMERGENCY	
110.140	Sale of Security
EMERGENCY	
110.150	Trouble File
EMERGENCY	
110.160	Lien Charges
EMERGENCY	
110.170	Insurance
EMERGENCY	
110.180	Office and Office Hours

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

110.190 Advertising

## EMERGENCY

110.200 Other Business

## EMERGENCY

110.210 Examination communications and Remittances

## EMERGENCY

110.215 Document Preparation Fee

## EMERGENCY

110.220 Credit Practices

## EMERGENCY

110.225 Verification of Amount Owed

## EMERGENCY

110.230 General

## EMERGENCY

110.235 Relocation

## EMERGENCY

110.240 Hearing Procedures

## EMERGENCY

110.250 Limited Purpose Branch

## EMERGENCY

110.260 Off-Site Records

## EMERGENCY

TABLE A  
Illinois Rule of 78 Fraction for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months [Repealed]

## EMERGENCY

TABLE B Rule of 78 Percentage Rebate Table [Repealed]

## EMERGENCY

AUTHORITY: Implementing and authorized by Section 22 of the Consumer Installment Loan Act [205 ILCS 670/22].

SOURCE: Filed and effective June 19, 1970; amended at 3 Ill. Reg. 24, p. 16, effective June 15, 1979; emergency amendment at 4 Ill. Reg. 5, p. 372, effective January 16, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 36, p. 138, effective September 22, 1980; amended at 5 Ill. Reg. 1352, effective February 3, 1981; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1343, effective January 17, 1985; amended at 11 Ill. Reg. 2749, effective January 28, 1987; for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective August 7, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 10456, effective June 7, 1988; amended at 19 Ill. Reg. 44, effective December 22, 1994; amended at 20 Ill. Reg. 5799, effective April 8, 1996; emergency amendment at 22 Ill. Reg. 1111, effective January 2, 1998, for a maximum of 150 days.

## Section 110.1 Definitions

## EMERGENCY

Administrative Procedure Act means Ill. Rev. Stat. 1993, ch. 197, par.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

4001-i-et-seq

Obligor Borrower means the person to whom the proceeds of a loan are delivered or on whose behalf the proceeds of a loan are expended.

Business loan means a loan to a business as defined in Ill. Rev. Stat. 1905, ch. 477, par. 6404.

Uniform Commercial Code means 810 ILCS 5 Ill. Rev. Stat. 1905, ch. 56. Act means the Consumer Installment Loan Act [205 ILCS 670] means Ill. Rev. Stat. 1905, ch. 477, par. 5401 et seq.

Corporate loan means a loan to a corporation as defined in Ill. Rev. Stat. 1905, ch. 477, par. 6404.

Date of the loan means the date on which the loan agreement is signed or accepted by the lender.

Department means the Department of Financial Institutions.

Director means the Director of the Department of Financial Institutions.

Federal Consumer Credit Protection Act means 15 USC 1601.

Generally accepted accounting procedures means those adopted supported by the American Institute of Certified Public Accountants and Federal Accounting Standards Board.

Hypothecate means to pledge a security instrument without transfer of title.

Installment sales contract means one made under the provisions of the Retail Installment Sales Act (Ill. Rev. Stat. 1905, ch. 477, par. 5401) or the Motor Vehicle Retail Installment Sales Act (Ill. Rev. Stat. 1905, ch. 477, par. 5617).

Instrument means a formal legal document such as a note, deed, contract or security assignment.

Insurance Code Act means 215 ILCS 5 Ill. Rev. Stat. 1905, ch. 73.

Interest Act means Ill. Rev. Stat. 1905, ch. 477, par. 6401.

Motor Vehicle Retail Installment Sales Act means Ill. Rev. Stat. 1905, ch. 477, par. 5617.



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

Recording fee is a fee paid to a government agency to record or release a security instrument.

Regulation 9---Birth-in-Bending-Act-means-12-CPR-236-effective-7/1/69-

Retain-Instatement-Sales-Act-means-111-Rev-Stat-19057-ch-121-1/27-par-561;

Rule-of-70-means-that-proportion-of-the-original-charge-for-a-loan which-the-sum-of-the-monthly-balances-scheduled-to-follow-prepayment in-full-bears-to-the-sum-of-all-the-monthly-balances;

Sales Finance Agency Act means 205 IACS 660 111-Rev-Stat-19057---ch-177-par-520;

Birth-in-Bending-means-Federal-Regulation-87-12-CFR-236-effective 7/1/69

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 177-par-520, effective January 2, 1998, for a maximum of 150 days)

## Section 110.10 Minimum Requirements for Office Records

## EMERGENCY

a) Every licensee shall keep the following records at the licensed location or their equivalent:

- 1) Loan register.
- 2) Individual account records including transaction histories of obligors borrowers.
- 3) File of all original papers.
- 4) Cash book.
- 5) Alphabetical record of all borrowers--lenders--co-makers, obligors or sureties.
- 6) Permanent file.
- b) Records for loans made under the Consumer-Instatement-Loan Act shall be kept separate or readily identifiable from other types of business conducted in the office of such licensee.
- c) Such records--must-be-kept-at-the-licensed-office-for-the-record-of business-done-under-the-Consumer-Instatement-Loan-Act: Electronic data processing, combination forms and special office systems may be used if in accordance with standard accounting procedures and contain the information enumerated above in Section 110.10(a).

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 177-par-520, effective January 2, 1998, for a maximum of 150 days)

## Section 110.15 Application for License

## EMERGENCY

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:

1) The name of the applicant and the address of the proposed place of business;

2) The form of business organization of the applicant, including:

A) a copy of its filed articles of incorporation;

B) a copy of the filed articles of organization, if the applicant is a limited liability company;

C) a certified statement of the ownership of the partnership and any subsequent changes thereto, if the applicant is a partnership.

3) The name, business and home address, credit report and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:

A) the proprietor, if the applicant is an individual;

B) every partner, if the applicant is a partnership;

C) President, Secretary, Executive and Senior Vice Presidents, Directors and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and

D) the manager, if the applicant is a limited liability company.

A licensee shall not submit the information required in subsections (a)(2) and (3) of this Section, if the licensee has previously submitted the information to the Department in a previous license application within the last 5 years and there have been no material changes, unless requested to by the Director.

4) The most current year end financial statements, prepared in accordance with generally accepted accounting principles and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.

5) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the license(s) of the applicant has ever been withdrawn, refused, cancelled or suspended in any other state, with full details.

6) Bond as required by the Act.

7) Appointment of Attorney-in-Fact.

8) Business Plan, detailing the nature, amount and term of loans to be made and types of security which will be taken.

9) Photographs of both the inside and outside of the proposed site.

10) Details of any other businesses which will be conducted within the licensed premises.

11) Information Form.

12) The applicable fees as required by the Act.

13) Any additional information the Director considers necessary.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Added by emergency rulemaking at 22 Ill. Reg. effective January 2, 1996, for a maximum of 150 days)

Section 110.20 Loan RegisterEMERGENCY

- a) The loan register shall contain the original entry and be a permanent record, and shall show for every loan the account number, date of loan, amount of loan, name of obligor borrower, nature of security by types, amount of fees, the cost and type of any insurance, the amount of the note, including precomputed interest, the simple interest rate contracted for or amount of precomputed interest.
- b) The loan register shall be kept numerically by number of loans in order made, and shall have headings for each of the items required.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1996, for a maximum of 150 days)

Section 110.30 Individual Account RecordsEMERGENCY

- a) An individual account record shall be kept for each obligor borrower. Such account record shall show the name and address of the obligor borrower, names of endorser, co-makers, obligors or sureties, loan number, date of loan, the number of payments, the amount of payments and payment due dates, terms of repayment, nature of security by type, and amount of insurance and name of bank if the note is hypothecated. The record for a simple interest loan shall show the original principal amount of the loan, rates of interest and finance charge where applicable. The record for a precomputed loan shall show the original principal amount of the loan, excluding the precomputed interest and charges, the amount of the finance charge and the face amount of the note including the finance charge. The record shall also show the amount of official fees received and paid out for filing, recording or releasing a financing statement or security agreement, including the fee required by the Secretary of State for perfecting a lien on a motor vehicle title.
- b) The record for a simple interest loan shall show the amount and date of each payment of principal and interest, the balance due on principal, and the date to which interest is paid. If the amount paid is insufficient to meet the entire amount of interest due, the record shall be clearly marked to indicate the extent of credit given for such interest payment and the date to which interest is paid or the amount of interest deficient to the date that the payment was received.
- c) The account record for a precomputed loan shall show the amount and date of each payment applied to the loan, the unpaid balance of the loan after applying such payment, and the date and amount of any

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

additional interest collected for delinquency, default or deferment. If deferment interest is collected in whole or in part, the record shall indicate the deferred due date of the final installment and any uncollected portion of the deferment interest. The account record shall also show the original principal of the loan excluding the charge, the amount of the charge, the face amount of the note including the charge, and any additional charge made for extra days in the first installment period.

- d) When a loan is prepaid in full, the account record shall show the date of prepayment, the amount paid to discharge the loan, the amount of the rebate on the finance charge, if any, and any deduction from the rebate for previously earned but uncollected delinquency, default or deferment charges.
- e) When a loan is prepaid in full, the amount of any unearned insurance premium for every policy shall be recorded on the account record.
- f) If payment is made in any other way than in the ordinary course of business, it shall be so designated. (For example, payment by a third party, insurance claim or sale of security.)
- g) If loan receivables are sold to another person authorized by the Director as meeting the criteria enumerated in paragraph 5494 of the Act, the individual account record for such receivables shall show the name of the authorized person to whom sold and the date of such sale.
- h) No erasures whatsoever shall be made in the payment and charge sections of any account record. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries on the record shall correspond with the receipts given the obligor borrower.
- i) Every licensee shall preserve the records of all loans, including the account record, for at least two years after making the final entry for such loan.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1996, for a maximum of 150 days)

Section 110.40 File of Original PapersEMERGENCY

- a) Files
- 1) A separate file (such as an envelope or folder) shall be maintained for each obligor borrower and shall contain the note, security agreement, or financing statement, wage assignment, acknowledged copy of the disclosure statement of loan, insurance certificate, a separately signed statement indicating the borrower has received a copy of right to rescind (if required), or waiver, if any, and all other evidence of indebtedness or security pertaining to the loan, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated as herein provided. Evidence of disclosure must be

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

retained for two years from the date of the loan. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.

- 2) When an obligor a-borrower is also a co-maker, guarantor, obligor or co-endorser on another loan, the file of such obligor borrower shall be cross-referenced to the other, unless such cross-reference is included on the alphabetical record required by Section 110.60. Other papers relating to the borrower or his loan may be kept in the same or a separate file in the same office.

- b) All legal instruments bearing evidence of indebtedness taken in connection with a loan and executed by an obligor a-borrower including the disclosure statement of loan shall must bear the loan number.

- c) No licensees shall take any instruments in which the blanks are not filled in completely before the proceeds of the loan are delivered. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none", or "n/a", and any amendments to the contract shall be signed by the obligor and creditor.

- d) The name and address of the licensee making the loan shall must appear on any note, wage assignment, security agreement or other legal instrument taken from an obligor a-borrower, before the proceeds of the loan are delivered.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.50 Cash book

## EMERGENCY

- a) All receipts and disbursements of any amount whatsoever shall be entered on the day they occur in the cash book or equivalent record. Separate headings shall be provided for payments on principal and interest and for fees collected from obligors borrowers for filing, recording and releasing security agreements, financing statement for perfecting a lien on a motor vehicle, or for amounts received for any type of insurance coverage. In the case of precomputed loans, payments applied to the note may be shown as a total sum and need not be itemized between principal and precomputed charges. Additional charges collected for delinquency shall be itemized or otherwise separately indicated.

- b) The cash book shall show all fees paid by the licensee for filing, recording and releasing security agreements, financing statements or for perfecting a lien on a motor vehicle, and the actual date of payment.

- c) The cash book shall be a permanent record of all details of income and disbursements including all entries to individual accounts of

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

borrowers.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.60 Alphabetical Record of Borrowers, Endorsers, Co-Makers, Obligors or Guarantors Bureties

## EMERGENCY

The alphabetical record shall show the account number and the name of each borrower--endorser, co-maker, obligor or guarantor surety who is currently indebted to the licensee, together with sufficient information to locate the account record.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.65 Permanent File

## EMERGENCY

Each licensee must maintain a permanent file which includes the following:

- A copy of all correspondence sent to or received from the Department within the past twenty-four (24) months.
- A copy of the last two examination exception reports and any related correspondence.
- A copy of the Act and a copy of this Part.

(Source: Added by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.70 Payments

## EMERGENCY

- All payments shall be credited on the account record as of the date received. Interest charges, as provided by the consumer--installment loan Act, shall be collected only from the date the proceeds of the loan are delivered to or expended on behalf of the obligor borrower even though the note shall bear a prior date.
- When the finance charge is precomputed, the receipt for each payment shall show the date of payment, the amount--if--any applied to any balance face--amount of the loan and the amount--if--any applied to any other charges permissible under the Act. Delinquency--default--or deferment--charge Payments shall be applied in the order in which they become due.
- Monthly--installment--payment--dates--may--be--omitted--to--accommodate borrowers--with--seasonal--income
- For the receipt for each payment on a simple interest account, the licensee shall give the obligor on an annual basis a statement

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

account shall show the date of payments payment, amount applied to interest, amount applied to insurance, amount applied to principal, the balance due on the account, and any amount of interest earned but not collected.

d) When a payment is made in cash, the licensee shall give a receipt to the obligor. A no-part-of-the-payment-is-applied-to-interest deficiency--default--or-deferment-charges-a receipt is not required for payment by check or money order unless requested by the obligor.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 110.80 Simple Interest LoansEMERGENCY

a) No payment shall be accepted on the principal balance unless interest is paid to date or is agreed to waived by the licensee, except a payment may be credited to principal where the amount thereof is not sufficient to pay the interest due for one day.

b) A calendar month is the period from a given date in one month to the same numbered date in the following month, and if there is no same numbered date in the following month, to the last day of the following month.

c) Interest shall be computed on the basis of one month's interest for each calendar month and one-thirtieth of a month's interest for each day in a fraction of a month or, alternatively, 1/365th of the agreed annual rate for each day actually elapsed.

d) When a simple interest loan contract is renewed or refinanced, accrued, but uncollected, interest may be included in the principal amount of the new loan contract.

e) A non-standard payment schedule with irregular times or amounts and varying interest rates is permissible in accordance with Section 15(e)(3) of the Act providing there is proper disclosure of an independently verifiable index beyond the control of the licensee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 110.90 Cancellation and Return of DocumentsEMERGENCY

The contract and promissory note and all original legal documents executed by the obligor borrower bearing evidence of indebtedness shall be cancelled and returned to the obligor borrower promptly following the renewal or paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original documents. On renewal, continuing security agreements may be retained until

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

subsequent loans are paid in full. If an executed copy of a legal document is retained following payment in full or renewal, to comply with the requirement it must be clearly marked "PAID", "CANCELLED" or "RENEWED", indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT RETAINABLE", or similar language, may be used in lieu of this requirement.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 110.100 Finance Charges - Rebates and Delinquency ChargesEMERGENCY

a) Charges may be computed on the original face amount of the loan contract for the full term of the loan contract at the agreed rate.

2) The maximum charge so computed (or any lesser amount) may be added to the original principal amount of the loan or may be deducted from the face amount of the contract when the loan is made.

b) A standard payment schedule is one under which a loan is repayable in substantially equal and consecutive monthly installments of principal and charge(s) combined, and the first installment is due one month from the date of the note, except as provided below.

1) The loan contract shall be drawn to reflect a standard payment schedule with payments to be made on a calendar month basis, except that the first installment period may exceed one month by as much as 15 days. If a charge is made for extra days in the first installment period it may be added to the first installment payment. The interest for such period may be increased by 1/30th of the agreed monthly rate for each extra day. A charge for extra days in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

2) If the first installment period is less than one month the loan charge shall be reduced by 1/30th of the agreed monthly rate for each day that the first installment period is less than one month, and the amount of the first installment shall be reduced by the same amount. Such adjustment in the first installment period does not change the amount of rebate required for prepayment in full on or after the first installment date.

c) The obligor borrower shall have the right to prepay a loan in full on any installment due date. When prepayment in full occurs on a date other than a scheduled installment due date, the rebate may be computed as of the next following scheduled installment due date.

d) When the contract is renewed or refinanced before maturity, or judgment is obtained before maturity, the same rebate is required as







## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

## Section 110.110 Hypothecation of Obligor's Borrower's Notes

## EMERGENCY

a) A licensee may pledge, hypothecate or sell a note made under the provisions of the Act without the prior approval of the Director provided that said transaction is with another licensee under the Act. Sales Finance Agency Act, a bank, savings bank, savings and loan association or credit union created under the laws of this State or the United States and that the following conditions are satisfied: Borrower's notes and security therefor may be hypothecated with any bank or trust company or its correspondent or subsidiary doing business in Illinois provided the pledge agrees in writing in form satisfactory to the Department that the Director or his representatives may at any time examine the pledge instrument and such pledgees shall also agree in writing to provide suitable working quarters in Illinois for the examiner of the Department to make such examination:

1) the licensee notifies the Department in writing within ten days of the transaction indicating the name of the purchaser/pledgee, location where the related notes can be examined and that the licensee shall be responsible for all examination costs.

2) the licensee will provide the Department with an executed agreement entered into by the licensee and the purchaser/pledgee authorizing the Director to conduct an examination of these notes.

b) All pledges, hypothecations or sales to entities other than those listed in subsection (a) of this Section require the prior approval of the Director.

c) Each instrument hypothecated must bear the following endorsement:

"This instrument is non-negotiable in form but may be pledged as collateral security. If so pledged, any payment made to the payee, either of principal or of interest, upon the debt evidenced by this obligation, shall be considered and construed as a payment on this instrument, the same as though it were still in the possession and under the control of the payee named herein; and the pledgee holding this instrument as collateral security hereby makes said payee its agent to accept and receive payments hereon, either of principal or of interest."

d) The licensee shall keep in the licensed office a record or list of all account records of all loans purchased or sold to another affiliated or non-affiliated licensee. The account shall be maintained in such file until examined and released by the examiner. This record or list shall indicate the date of transaction, account name and number, and the names of the other buyer/seller in the transaction.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1492

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

effective January 2, 1998, for a maximum of 150 days)

## Section 110.120 Legal Forms

## EMERGENCY

a) 1) All No forms of notes, security agreements or assignments of wages or other forms shall be used in connection with the making of loans shall be unless such forms as are desired to be used shall have first been submitted to the Department for filing. New licenses shall present to the Department for filing all forms contemplated to be used in the making of loans prior to the conduct of the licensed business in the licensed location; provided, however, where the licensee or affiliate is engaged in the same business and licensed by this Department to engage in such business in another location, the use of forms in the new location identical to those being used in the existing location shall not require filing. Notice of intent to use identical forms (change of name excepted) should be provided the Department by the licensee licensees.

2) Should the licensee at any time following submission of forms for filing modify, change or enlarge the forms previously submitted, the forms as modified, shall changed or enlarged must be submitted to the Department for filing.

3) No implication of approval or disapproval by the Department of any form filed with it is to result from objections received from the Department or silence of the Department relative thereto. Standard forms approved by the Department shall be used in the following cases:

- 1) Application for original license.
- 2) Application for annual renewal of license.
- 3) Change of location.
- 4) Annual Report.
- 5) Appointment of attorney in fact for service of process.
- 6) Bond.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1492, effective January 2, 1998, for a maximum of 150 days)

## Section 110.130 Judgments

## EMERGENCY

a) When a note has been reduced to judgment, the face of the account record shall must show the amount and date of the judgment. When judgment is taken on a precomputed loan before maturity, the same rebate of interest is required that would be required for prepayment in full on the date of the entry of judgment.

b) All payments received shall be applied to the judgment balance and be

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

properly identified. The rate of interest charged on a judgment balance must comply with current applicable statutes. No higher rate of interest or charge shall be assessed or accepted.

- c) The files of the licensee shall contain statements assigned-by-the attorney-of-record-judge-or-magistrate-or-clerk-of-the-court setting forth-in-the-order-issued the following items:

1) Copy of judgment.

2) Date of judgment.

3) Judgment-debtor.

314) Date suit was filed.

314) Nature-of-the-suit.

314) Name-and-location-of-the-court.

314) Amount of the judgment.

314) The in-the-case-of-a-simple-interest-100% the amount of principal and the amount of interest for which judgment is taken.

314) In the case of a precomputed loan the unpaid balance of note, the rebate of interest, subtracted therefrom, the resulting balance, plus the amount of any default-and-deferment interest included in the judgment.

104) Court-costs.

114) Judgment-by.

114) A) Default.

114) B) Persecution.

114) C) Contested-suit.

114) D) Disposition-of-the-case.

114) Court costs charged to the obligor shall borrower-must be itemized and verified by receipts received-offis.

e) Where property is foreclosed or sold pursuant to any judgment or judicial process, the file must contain a copy of the decree or judicial sale.

f) If records related to the judgment are kept off-site, the licensee shall make these documents available from that site or return the records to the licensed location within seventy-two hours of the Department's request.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 14 85, effective January 2, 1998, for a maximum of 150 days)

Section 110.140 Sale of Security

EMERGENCY

The following regulations shall be observed in the sale of security:

a) The account record shall must give the following information:

1) When possession of the security was obtained, and whether by voluntary or involuntary action.

2) Public or private sale and date sold. When-and-how-sold-(public or-private-sale).

3) When part or all of the security is sold, the fact must be noted

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

on the account record.

- 4) All credits from proceeds of the sale must be properly identified (whether by sale of security, etc.).

b) The files of the licensee shall must contain:

- 1) Evidence of compliance by licensee with all applicable provisions of the Uniform Commercial Code (441-Rev-Stat-1985-CH-267 par-3-101-et-seq) in the sale and disposition by a secured party of collateral after default including copies of all notices directed to the obligor debtor-or-debtors as required therein or as required by any other law, statute or regulation, state or federal.

- 2) Copy of notice of intended sale which must contain notice of default, balance owing, date, place and time of intended sale and if public or private. Such notice must be forwarded to the obligor debtor-or-debtors-if-more-than-one, by certified mail to the last known address of the obligor debtor-or-debtors.

- 3) Signed receipts from the purchasers of or from-the auctioneer if the sale-is-a-publicly describing the collateral chattels purchased showing the amount paid for same and the name of the obligor borrower who executed the security agreement, and copies of and competitive bids.

- 4) Copy of statement of final accounting, original of which shall be must-have-been sent to the obligor borrower after the sale, which statement shall set forth the sale price of the collateral chattels-or-chattels, itemization of the costs of sale, and the deficiency balance due on the account-if-any.

- 5) A report of condition of the collateral at the time of retaking, safeguarding the rights of the obligor shall debtor-or-debtors-may be accepted by a licensee prior to default.

- d) When the collateral property is abandoned and the address of the obligor borrower is uncertain-or unknown, notice of sale and statement of final accounting shall be sent to the last known address by registered or certified mail, return receipt requested. The following in-the form of its equivalent shall be used when collateral is chattels-are sold:

DATE \_\_\_\_\_  
CITY \_\_\_\_\_  
STATE \_\_\_\_\_

This is to acknowledge that the undersigned did purchase from \_\_\_\_\_ creditor, under the terms of a certain security agreement executed by \_\_\_\_\_ and \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the following described goods and collateral chattels:

(enumerate articles)

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

Signature of Purchaser

f) In connection with the sale of collateral property given as security for loans after default, the licensee shall make only such charges for expense incurred as are permitted by the applicable provision of the Uniform Commercial code which charges must be reasonable, taking into consideration the nature of the collateral security, the circumstances surrounding the sale, the fair market value of the collateral and the amount of the indebtedness. Such charges must be substantiated by paid receipts.

g) The licensee may not charge any commission nor any expense in connection with the taking and sale of security exceeding 10% of the sale price. Should the borrower abandon, conceal or damage the security or cause the licensee unreasonable difficulty or delay to an orderly sale and disposition of said security, any lawful expense incurred by the licensee in the taking and sale of security may be charged by the licensee against the proceeds of sale and if the sale is a public sale, the net proceeds after all lawful charges and reasonable expense incurred shall be applied to the loan account as a credit and sale price realized at said sale shall be considered the fair market value of the security sold.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1485 - effective January 2, 1998, for a maximum of 150 days)

Section 110.150 Trouble File

EMERGENCY

A separate and complete file shall be kept containing all records pertaining to judgments, foreclosures, repossessions, death claims and sales, which record shall be filed alphabetically under the name of the obligor borrower or by account number.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1485 - effective January 2, 1998, for a maximum of 150 days)

Section 110.160 Lien Charges

EMERGENCY

a) All official fees paid for the purpose of perfecting or releasing a security interest in property given as collateral for a loan may be collected by a licensee from the obligor borrower.

b) The licensee may require the prospective obligor borrower to provide evidence of ownership and condition of title as a prerequisite for a loan and if which expense is to be assumed and paid by the borrower.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1485 -

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

effective January 2, 1998, for a maximum of 150 days)

Section 110.170 Insurance

EMERGENCY

a) Licensees at their option may provide insurances to the obligor provided borrower providing the obligor borrower has indicated in specific, dated and separately signed statement that he or she desires the insurance coverage. The purchase of any policy of insurance from the licensee shall not be a condition precedent to a loan. Such insurance shall comply with the Illinois Insurance Code (410 Rev. Stat. 1993, ch. 73, par. 43-45, 47-49, 51-53, 55-57, 59-61, 63-65, 67-69, 71-73, 75-77, 79-81, 83-85, 87-89, 91-93, 95-97, 99-101, 103-105, 107-109, 111-113, 115-117, 119-121, 123-125, 127-129, 131-133, 135-137, 139-141, 143-145, 147-149, 151-153, 155-157, 159-161, 163-165, 167-169, 171-173, 175-177, 179-181, 183-185, 187-189, 191-193, 195-197, 199-201, 203-205, 207-209, 211-213, 215-217, 219-221, 223-225, 227-229, 231-233, 235-237, 239-241, 243-245, 247-249, 251-253, 255-257, 259-261, 263-265, 267-269, 271-273, 275-277, 279-281, 283-285, 287-289, 291-293, 295-297, 299-301, 303-305, 307-309, 311-313, 315-317, 319-321, 323-325, 327-329, 331-333, 335-337, 339-341, 343-345, 347-349, 351-353, 355-357, 359-361, 363-365, 367-369, 371-373, 375-377, 379-381, 383-385, 387-389, 391-393, 395-397, 399-401, 403-405, 407-409, 411-413, 415-417, 419-421, 423-425, 427-429, 431-433, 435-437, 439-441, 443-445, 447-449, 451-453, 455-457, 459-461, 463-465, 467-469, 471-473, 475-477, 479-481, 483-485, 487-489, 491-493, 495-497, 499-501, 503-505, 507-509, 511-513, 515-517, 519-521, 523-525, 527-529, 531-533, 535-537, 539-541, 543-545, 547-549, 551-553, 555-557, 559-561, 563-565, 567-569, 571-573, 575-577, 579-581, 583-585, 587-589, 591-593, 595-597, 599-601, 603-605, 607-609, 611-613, 615-617, 619-621, 623-625, 627-629, 631-633, 635-637, 639-641, 643-645, 647-649, 651-653, 655-657, 659-661, 663-665, 667-669, 671-673, 675-677, 679-681, 683-685, 687-689, 691-693, 695-697, 699-701, 703-705, 707-709, 711-713, 715-717, 719-721, 723-725, 727-729, 731-733, 735-737, 739-741, 743-745, 747-749, 751-753, 755-757, 759-761, 763-765, 767-769, 771-773, 775-777, 779-781, 783-785, 787-789, 791-793, 795-797, 799-801, 803-805, 807-809, 811-813, 815-817, 819-821, 823-825, 827-829, 831-833, 835-837, 839-841, 843-845, 847-849, 851-853, 855-857, 859-861, 863-865, 867-869, 871-873, 875-877, 879-881, 883-885, 887-889, 891-893, 895-897, 899-901, 903-905, 907-909, 911-913, 915-917, 919-921, 923-925, 927-929, 931-933, 935-937, 939-941, 943-945, 947-949, 951-953, 955-957, 959-961, 963-965, 967-969, 971-973, 975-977, 979-981, 983-985, 987-989, 991-993, 995-997, 999-1001, 1003-1005, 1007-1009, 1011-1013, 1015-1017, 1019-1021, 1023-1025, 1027-1029, 1031-1033, 1035-1037, 1039-1041, 1043-1045, 1047-1049, 1051-1053, 1055-1057, 1059-1061, 1063-1065, 1067-1069, 1071-1073, 1075-1077, 1079-1081, 1083-1085, 1087-1089, 1091-1093, 1095-1097, 1099-1101, 1103-1105, 1107-1109, 1111-1113, 1115-1117, 1119-1121, 1123-1125, 1127-1129, 1131-1133, 1135-1137, 1139-1141, 1143-1145, 1147-1149, 1151-1153, 1155-1157, 1159-1161, 1163-1165, 1167-1169, 1171-1173, 1175-1177, 1179-1181, 1183-1185, 1187-1189, 1191-1193, 1195-1197, 1199-1201, 1203-1205, 1207-1209, 1211-1213, 1215-1217, 1219-1221, 1223-1225, 1227-1229, 1231-1233, 1235-1237, 1239-1241, 1243-1245, 1247-1249, 1251-1253, 1255-1257, 1259-1261, 1263-1265, 1267-1269, 1271-1273, 1275-1277, 1279-1281, 1283-1285, 1287-1289, 1291-1293, 1295-1297, 1299-1301, 1303-1305, 1307-1309, 1311-1313, 1315-1317, 1319-1321, 1323-1325, 1327-1329, 1331-1333, 1335-1337, 1339-1341, 1343-1345, 1347-1349, 1351-1353, 1355-1357, 1359-1361, 1363-1365, 1367-1369, 1371-1373, 1375-1377, 1379-1381, 1383-1385, 1387-1389, 1391-1393, 1395-1397, 1399-1401, 1403-1405, 1407-1409, 1411-1413, 1415-1417, 1419-1421, 1423-1425, 1427-1429, 1431-1433, 1435-1437, 1439-1441, 1443-1445, 1447-1449, 1451-1453, 1455-1457, 1459-1461, 1463-1465, 1467-1469, 1471-1473, 1475-1477, 1479-1481, 1483-1485, 1487-1489, 1491-1493, 1495-1497, 1499-1501, 1503-1505, 1507-1509, 1511-1513, 1515-1517, 1519-1521, 1523-1525, 1527-1529, 1531-1533, 1535-1537, 1539-1541, 1543-1545, 1547-1549, 1551-1553, 1555-1557, 1559-1561, 1563-1565, 1567-1569, 1571-1573, 1575-1577, 1579-1581, 1583-1585, 1587-1589, 1591-1593, 1595-1597, 1599-1601, 1603-1605, 1607-1609, 1611-1613, 1615-1617, 1619-1621, 1623-1625, 1627-1629, 1631-1633, 1635-1637, 1639-1641, 1643-1645, 1647-1649, 1651-1653, 1655-1657, 1659-1661, 1663-1665, 1667-1669, 1671-1673, 1675-1677, 1679-1681, 1683-1685, 1687-1689, 1691-1693, 1695-1697, 1699-1701, 1703-1705, 1707-1709, 1711-1713, 1715-1717, 1719-1721, 1723-1725, 1727-1729, 1731-1733, 1735-1737, 1739-1741, 1743-1745, 1747-1749, 1751-1753, 1755-1757, 1759-1761, 1763-1765, 1767-1769, 1771-1773, 1775-1777, 1779-1781, 1783-1785, 1787-1789, 1791-1793, 1795-1797, 1799-1801, 1803-1805, 1807-1809, 1811-1813, 1815-1817, 1819-1821, 1823-1825, 1827-1829, 1831-1833, 1835-1837, 1839-1841, 1843-1845, 1847-1849, 1851-1853, 1855-1857, 1859-1861, 1863-1865, 1867-1869, 1871-1873, 1875-1877, 1879-1881, 1883-1885, 1887-1889, 1891-1893, 1895-1897, 1899-1901, 1903-1905, 1907-1909, 1911-1913, 1915-1917, 1919-1921, 1923-1925, 1927-1929, 1931-1933, 1935-1937, 1939-1941, 1943-1945, 1947-1949, 1951-1953, 1955-1957, 1959-1961, 1963-1965, 1967-1969, 1971-1973, 1975-1977, 1979-1981, 1983-1985, 1987-1989, 1991-1993, 1995-1997, 1999-2001, 2003-2005, 2007-2009, 2011-2013, 2015-2017, 2019-2021, 2023-2025, 2027-2029, 2031-2033, 2035-2037, 2039-2041, 2043-2045, 2047-2049, 2051-2053, 2055-2057, 2059-2061, 2063-2065, 2067-2069, 2071-2073, 2075-2077, 2079-2081, 2083-2085, 2087-2089, 2091-2093, 2095-2097, 2099-2101, 2103-2105, 2107-2109, 2111-2113, 2115-2117, 2119-2121, 2123-2125, 2127-2129, 2131-2133, 2135-2137, 2139-2141, 2143-2145, 2147-2149, 2151-2153, 2155-2157, 2159-2161, 2163-2165, 2167-2169, 2171-2173, 2175-2177, 2179-2181, 2183-2185, 2187-2189, 2191-2193, 2195-2197, 2199-2201, 2203-2205, 2207-2209, 2211-2213, 2215-2217, 2219-2221, 2223-2225, 2227-2229, 2231-2233, 2235-2237, 2239-2241, 2243-2245, 2247-2249, 2251-2253, 2255-2257, 2259-2261, 2263-2265, 2267-2269, 2271-2273, 2275-2277, 2279-2281, 2283-2285, 2287-2289, 2291-2293, 2295-2297, 2299-2301, 2303-2305, 2307-2309, 2311-2313, 2315-2317, 2319-2321, 2323-2325, 2327-2329, 2331-2333, 2335-2337, 2339-2341, 2343-2345, 2347-2349, 2351-2353, 2355-2357, 2359-2361, 2363-2365, 2367-2369, 2371-2373, 2375-2377, 2379-2381, 2383-2385, 2387-2389, 2391-2393, 2395-2397, 2399-2401, 2403-2405, 2407-2409, 2411-2413, 2415-2417, 2419-2421, 2423-2425, 2427-2429, 2431-2433, 2435-2437, 2439-2441, 2443-2445, 2447-2449, 2451-2453, 2455-2457, 2459-2461, 2463-2465, 2467-2469, 2471-2473, 2475-2477, 2479-2481, 2483-2485, 2487-2489, 2491-2493, 2495-2497, 2499-2501, 2503-2505, 2507-2509, 2511-2513, 2515-2517, 2519-2521, 2523-2525, 2527-2529, 2531-2533, 2535-2537, 2539-2541, 2543-2545, 2547-2549, 2551-2553, 2555-2557, 2559-2561, 2563-2565, 2567-2569, 2571-2573, 2575-2577, 2579-2581, 2583-2585, 2587-2589, 2591-2593, 2595-2597, 2599-2601, 2603-2605, 2607-2609, 2611-2613, 2615-2617, 2619-2621, 2623-2625, 2627-2629, 2631-2633, 2635-2637, 2639-2641, 2643-2645, 2647-2649, 2651-2653, 2655-2657, 2659-2661, 2663-2665, 2667-2669, 2671-2673, 2675-2677, 2679-2681, 2683-2685, 2687-2689, 2691-2693, 2695-2697, 2699-2701, 2703-2705, 2707-2709, 2711-2713, 2715-2717, 2719-2721, 2723-2725, 2727-2729, 2731-2733, 2735-2737, 2739-2741, 2743-2745, 2747-2749, 2751-2753, 2755-2757, 2759-2761, 2763-2765, 2767-2769, 2771-2773, 2775-2777, 2779-2781, 2783-2785, 2787-2789, 2791-2793, 2795-2797, 2799-2801, 2803-2805, 2807-2809, 2811-2813, 2815-2817, 2819-2821, 2823-2825, 2827-2829, 2831-2833, 2835-2837, 2839-2841, 2843-2845, 2847-2849, 2851-2853, 2855-2857, 2859-2861, 2863-2865, 2867-2869, 2871-2873, 2875-2877, 2879-2881, 2883-2885, 2887-2889, 2891-2893, 2895-2897, 2899-2901, 2903-2905, 2907-2909, 2911-2913, 2915-2917, 2919-2921, 2923-2925, 2927-2929, 2931-2933, 2935-2937, 2939-2941, 2943-2945, 2947-2949, 2951-2953, 2955-2957, 2959-2961, 2963-2965, 2967-2969, 2971-2973, 2975-2977, 2979-2981, 2983-2985, 2987-2989, 2991-2993, 2995-2997, 2999-3001, 3003-3005, 3007-3009, 3011-3013, 3015-3017, 3019-3021, 3023-3025, 3027-3029, 3031-3033, 3035-3037, 3039-3041, 3043-3045, 3047-3049, 3051-3053, 3055-3057, 3059-3061, 3063-3065, 3067-3069, 3071-3073, 3075-3077, 3079-3081, 3083-3085, 3087-3089, 3091-3093, 3095-3097, 3099-3101, 3103-3105, 3107-3109, 3111-3113, 3115-3117, 3119-3121, 3123-3125, 3127-3129, 3131-3133, 3135-3137, 3139-3141, 3143-3145, 3147-3149, 3151-3153, 3155-3157, 3159-3161, 3163-3165, 3167-3169, 3171-3173, 3175-3177, 3179-3181, 3183-3185, 3187-3189, 3191-3193, 3195-3197, 3199-3201, 3203-3205, 3207-3209, 3211-3213, 3215-3217, 3219-3221, 3223-3225, 3227-3229, 3231-3233, 3235-3237, 3239-3241, 3243-3245, 3247-3249, 3251-3253, 3255-3257, 3259-3261, 3263-3265, 3267-3269, 3271-3273, 3275-3277, 3279-3281, 3283-3285, 3287-3289, 3291-3293, 3295-3297, 3299-3301, 3303-3305, 3307-3309, 3311-3313, 3315-3317, 3319-3321, 3323-3325, 3327-3329, 3331-3333, 3335-3337, 3339-3341, 3343-3345, 3347-3349, 3351-3353, 3355-3357, 3359-3361, 3363-3365, 3367-3369, 3371-3373, 3375-3377, 3379-3381, 3383-3385, 3387-3389, 3391-3393, 3395-3397, 3399-3401, 3403-3405, 3407-3409, 3411-3413, 3415-3417, 3419-3421, 3423-3425, 3427-3429, 3431-3433, 3435-3437, 3439-3441, 3443-3445, 3447-3449, 3451-3453, 3455-3457, 3459-3461, 3463-3465, 3467-3469, 3471-3473, 3475-3477, 3479-3481, 3483-3485, 3487-3489, 3491-3493, 3495-3497, 3499-3501, 3503-3505, 3507-3509, 3511-3513, 3515-3517, 3519-3521, 3523-3525, 3527-3529, 3531-3533, 3535-3537, 3539-3541, 3543-3545, 3547-3549, 3551-3553, 3555-3557, 3559-3561, 3563-3565, 3567-3569, 3571-3573, 3575-3577, 3579-3581, 3583-3585, 3587-3589, 3591-3593, 3595-3597, 3599-3601, 3603-3605, 3607-3609, 3611-3613, 3615-3617, 3619-3621, 3623-3625, 3627-3629, 3631-3633, 3635-3637, 3639-3641, 3643-3645, 3647-3649, 3651-3653, 3655-3657, 3659-3661, 3663-3665, 3667-3669, 3671-3673, 3675-3677, 3679-3681, 3683-3685, 3687-3689, 3691-3693, 3695-3697, 3699-3701, 3703-3705, 3707-3709, 3711-3713, 3715-3717, 3719-3721, 3723-3725, 3727-3729, 3731-3733, 3735-3737, 3739-3741, 3743-3745, 3747-3749, 3751-3753, 3755-3757, 3759-3761, 3763-3765, 3767-3769, 3771-3773, 3775-3777, 3779-3781, 3783-3785, 3787-3789, 3791-3793, 3795-3797, 3799-3801, 3803-3805, 3807-3809, 3811-3813, 3815-3817, 3819-3821, 3823-3825, 3827-3829, 3831-3833, 3835-3837, 3839-3841, 3843-3845, 3847-3849, 3851-3853, 3855-3857, 3859-3861, 3863-3865, 3867-3869, 3871-3873, 3875-3877, 3879-3881, 3883-3885, 3887-3889, 3891-3893, 3895-3897, 3899-3901, 3903-3905, 3907-3909, 3911-3913, 3915-3917, 3919-3921, 3923-3925, 3927-3929, 3931-3933, 3935-3937, 3939-3941, 3943-3945, 3947-3949, 3951-3953, 3955-3957, 3959-3961, 3963-3965, 3967-3969, 3971-3973, 3975-3977, 3979-3981, 3983-3985, 3987-3989, 3991-3993, 3995-3997, 3999-4001, 4003-4005, 4007-4009, 4011-4013, 4015-4017, 4019-4021, 4023-4025, 4027-4029, 4031-4033, 4035-4037, 4039-4041, 4043-4045, 4047-4049, 4051-4053, 4055-4057, 4059-4061, 4063-4065, 4067-4069, 4071-4073, 4075-4077, 4079-4081, 4083-4085, 4087-4089, 4091-4093, 4095-4097, 4099-4101, 4103-4105, 4107-4109, 4111-4113, 4115-4117, 4119-4121, 4123-4125, 4127-4129, 4131-4133, 4135-4137, 4139-4141, 4143-4145, 4147-4149, 4151-4153, 4155-4157, 4159-416

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

requested in connection with any loan or extensions thereof.

e)† The statement required by Section 16 of the Consumer Installment Loan Act shall disclose the type and cost of insurance to the borrower. The licensee shall also deliver or cause to be delivered to the obligor borrower a copy of the policy, or policies, certificate, or other evidence thereof at the time the loan is made, and all obligors shall sign and receive a copy of a separate agreement clearly and conspicuously disclosing the limits of coverage.

f)† No obligor borrower shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to a loan. No licensee shall decline new or existing insurance which is approved by the Department of Insurance, or prevent any obligor from obtaining such insurance from any other source.

g)† When the loan is made, the insurance charges shall be computed for no more than the term of the loan contract on an amount which does not exceed the total amount required to pay the combined total of principal and interest charges.

2)

h)† If the borrower dies during the term of the transaction the life insurance shall pay the benefits due according to the terms of the policy. The obligor's estate or next-of-kin shall be paid the amount due if any between the unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.

i)† In the case of a prepayment contract, the amount of the net unpaid balance shall be the unpaid balance of the note unless any required rebate for prepayment in full on the date of the borrower's death, plus accrued but unpaid delinquency charges. In the case of a simple interest contract, the amount of the net unpaid balance shall be the principal balance plus accrued interest to the date of the borrower's death.

j)† The licensee shall keep in its office a separate record of all accounts on which death claims have been paid. The account records shall indicate the date of death and the refunds of interest or loan charges and unearned insurance premiums paid to the next-of-kin or estate. The refund check or voucher shall be available on demand.

k)† Insurance against loss of income loss or liability arising out of property given as security for a loan or liability arising out of ownership may be required of an obligor a-borrower.

l)† Property insurance provided by a licensee on loans in a principal amount exceeding \$500 shall cover a substantial risk of loss or damage to property related to the loan; the coverage shall be consistent with the amount and term of the loan and shall not extend beyond the maturity of the loan unless the loan is delinquent, when it may be extended 30 days beyond the original expiration date without charge to the obligor(s).

m)† Upon cancellation of the loan by prepayment, renewal or refinancing, the obligor(s) shall be entitled to a refund not less than the

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

unearned premium based on the Rule of 78ths in any amount exceeding \$1.00.

n) The licensee or affiliate may receive compensation for the sale of any insurance or debt cancellation contract or other such product purchased pursuant to the loan made or held by the licensee, provided the licensee discloses to the obligor that either the licensee or an affiliate may receive something of value in connection with the purchase by the obligor. This must be prominently disclosed on the front side of the loan contract in print no smaller than that used to disclose the Annual Percentage Rate.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.180 Office and Office Hours

EMERGENCY

Every licensee shall maintain a place of business to which the general public shall have free access and where all obligations entered into shall be payable.

a) Except as provided in subsection paragraph (c) below, or otherwise authorized by the Department, each licensee office shall be open not less than three consecutive hours between 8:00 A.M. and 6:00 P.M. on every business day, except Saturdays, Sundays and legal holidays, during the term of the license, and the licensee shall file with the Department a schedule of the hours during which it elects to keep such office open, provided that any licensee may keep its office open for any period it sees fit in addition to the hours listed in such schedule.

b) Whenever a licensee desires to change the schedule of hours during which its office shall remain open then on file with the Department it may do so upon filing with the Department a schedule setting forth such change of time at least three days before such change shall go into effect. The schedule of hours shall be prominently displayed in the place of business of the licensee.

c) If any payment of principal or interest, or both, shall be due on any obligations to such licensee on any closed day, then such payment shall be considered for all purposes including the computation of interest, having been received on the closed day, if such payment shall be received, whether through the mail or otherwise, at any time before the close of business on the next regular business day following such closed day.

d) The license of each licensee and the Annual License Fee Renewal Certificate shall be prominently displayed and be made available for easy reading by the public in the place of business of the licensee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.190 Advertising



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

- a) Licensees shall not advertise "No co-makers required", "No endorsers required", "Signature only" loans, "Loans made on your plain note" or the like, unless such loans constitute at least 50% of all loans made by the licensee.
- b) Licensees shall not make reference in any form of advertising such as newspapers, circulars, letters, radio, or other media, to "low rates", or "lower rates", or "lowest rates", or "lowest cost", or to indicate by direct or indirect means through such expression as "low cost", "lower cost", or "easier to repay", or by any device that the charges for a loan are low.
- c) Licensees may advertise "New reduced rates" or "Reduced rates", or similar phrases for not more than sixty days after the effective date of such reduction in rates.
- d) Upon specific request by the Department, licensees shall forward to the Supervisor of the Consumer Credit Division the complete text of all advertising copy whether printed or broadcast for which questions have been raised concerning compliance with the Section 18 of the Consumer-Installment-Loan Act.
- e) A licensee may indicate in advertising and otherwise that its business is "regulated" or "examined" or "supervised" or "licensed" by the State of Illinois. A licensee may not advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans made are "approved", "set" or "established" by the state government, or any enactment. [205 ILCS 670/18]
- f) Should any advertisement by a licensee state the amount of any installment payment, dollar amount of any finance charge or number of installments, or period of repayment, the advertisement shall comply with the provisions of the Consumer Credit Protection Act (15-U.S.C. 1691a-1691g) and the regulations applicable thereto, issued by the Federal Reserve Board.

g) Any statement of the payment schedule for a loan in an advertisement must show the proceeds of the loan exclusive of the finance charge and indicate the number and amount of the monthly installments required to pay the loan contract. The total of the installments must be sufficient to pay the total of the proceeds and finance charge for the loan according to the payment schedule. When a payment schedule is used, it must disclose the Annual Percentage Rate for each amount of loan advertised, using that term.

h) If the advertisement includes an offer of insurance, the advertisement must disclose the type of insurance offered and whether or not the installments include the cost thereof.

i) The licensee shall not advertise the conduct of business other than at the license location or other location approved by the Director. The conduct of business by the licensee at locations other than that named in the license is prohibited by 205-1695-670/7 and therefore advertising to that effect would be misleading and not in compliance

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

with Section 18 of the Act: No license shall state or imply either verbiage or in print that he will make any loan or transact business at any place other than that named in the license.

- j) On a finding that an advertisement is false, misleading or deceptive, the Director may issue a cease and desist order.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.200 Other Business

## EMERGENCY

a) Unless otherwise authorized by the Act, no other business may be conducted at in the licensed location Consumer-Installment-Loan-Office unless authorized in writing by the Director pursuant to Section 12 of the Consumer-Installment-Loan Act. The Director's authorization will be predicated upon the licensee's agreeing to the following agreement:

- a) That the authorization will not conceal nor facilitate concealment of an evasion of the Consumer-Installment-Loan Act;
- b) That to comply with any State regulatory state or federal statute Act or regulation;

c) That to obtain any require license or registration required by federal, State state or local government agency to engage in the other business authorized;

d) That the Department may examine all records and investigate any or all transactions of in the office of the licensee operating under the provisions of this Section to determine that the business complies with all applicable laws and regulations and shall charge the licensee \$100.00 for each examination day or portion thereof required to make and complete an examination or investigation of such business. Each office will have an up-to-date copy of the employees training manual or policy guidebook used by employees available to the examiners;

e) That to recognize the Director retains the right Director's authority upon notice and opportunity to be heard to alter, amend or revoke another business authorization or written notice without hearing, for noncompliance with paragraphs (1), (2), (3), (4) of this Section or (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), (58), (59), (60), (61), (62), (63), (64), (65), (66), (67), (68), (69), (70), (71), (72), (73), (74), (75), (76), (77), (78), (79), (80), (81), (82), (83), (84), (85), (86), (87), (88), (89), (90), (91), (92), (93), (94), (95), (96), (97), (98), (99), (100), (101), (102), (103), (104), (105), (106), (107), (108), (109), (110), (111), (112), (113), (114), (115), (116), (117), (118), (119), (120), (121), (122), (123), (124), (125), (126), (127), (128), (129), (130), (131), (132), (133), (134), (135), (136), (137), (138), (139), (140), (141), (142), (143), (144), (145), (146), (147), (148), (149), (150), (151), (152), (153), (154), (155), (156), (157), (158), (159), (160), (161), (162), (163), (164), (165), (166), (167), (168), (169), (170), (171), (172), (173), (174), (175), (176), (177), (178), (179), (180), (181), (182), (183), (184), (185), (186), (187), (188), (189), (190), (191), (192), (193), (194), (195), (196), (197), (198), (199), (200), (201), (202), (203), (204), (205), (206), (207), (208), (209), (210), (211), (212), (213), (214), (215), (216), (217), (218), (219), (220), (221), (222), (223), (224), (225), (226), (227), (228), (229), (230), (231), (232), (233), (234), (235), (236), (237), (238), (239), (240), (241), (242), (243), (244), (245), (246), (247), (248), (249), (250), (251), (252), (253), (254), (255), (256), (257), (258), (259), (260), (261), (262), (263), (264), (265), (266), (267), (268), (269), (270), (271), (272), (273), (274), (275), (276), (277), (278), (279), (280), (281), (282), (283), (284), (285), (286), (287), (288), (289), (290), (291), (292), (293), (294), (295), (296), (297), (298), (299), (300), (301), (302), (303), (304), (305), (306), (307), (308), (309), (310), (311), (312), (313), (314), (315), (316), (317), (318), (319), (320), (321), (322), (323), (324), (325), (326), (327), (328), (329), (330), (331), (332), (333), (334), (335), (336), (337), (338), (339), (340), (341), (342), (343), (344), (345), (346), (347), (348), (349), (350), (351), (352), (353), (354), (355), (356), (357), (358), (359), (360), (361), (362), (363), (364), (365), (366), (367), (368), (369), (370), (371), (372), (373), (374), (375), (376), (377), (378), (379), (380), (381), (382), (383), (384), (385), (386), (387), (388), (389), (390), (391), (392), (393), (394), (395), (396), (397), (398), (399), (400), (401), (402), (403), (404), (405), (406), (407), (408), (409), (410), (411), (412), (413), (414), (415), (416), (417), (418), (419), (420), (421), (422), (423), (424), (425), (426), (427), (428), (429), (430), (431), (432), (433), (434), (435), (436), (437), (438), (439), (440), (441), (442), (443), (444), (445), (446), (447), (448), (449), (450), (451), (452), (453), (454), (455), (456), (457), (458), (459), (460), (461), (462), (463), (464), (465), (466), (467), (468), (469), (470), (471), (472), (473), (474), (475), (476), (477), (478), (479), (480), (481), (482), (483), (484), (485), (486), (487), (488), (489), (490), (491), (492), (493), (494), (495), (496), (497), (498), (499), (500), (501), (502), (503), (504), (505), (506), (507), (508), (509), (510), (511), (512), (513), (514), (515), (516), (517), (518), (519), (520), (521), (522), (523), (524), (525), (526), (527), (528), (529), (530), (531), (532), (533), (534), (535), (536), (537), (538), (539), (540), (541), (542), (543), (544), (545), (546), (547), (548), (549), (550), (551), (552), (553), (554), (555), (556), (557), (558), (559), (560), (561), (562), (563), (564), (565), (566), (567), (568), (569), (570), (571), (572), (573), (574), (575), (576), (577), (578), (579), (580), (581), (582), (583), (584), (585), (586), (587), (588), (589), (590), (591), (592), (593), (594), (595), (596), (597), (598), (599), (600), (601), (602), (603), (604), (605), (606), (607), (608), (609), (610), (611), (612), (613), (614), (615), (616), (617), (618), (619), (620), (621), (622), (623), (624), (625), (626), (627), (628), (629), (630), (631), (632), (633), (634), (635), (636), (637), (638), (639), (640), (641), (642), (643), (644), (645), (646), (647), (648), (649), (650), (651), (652), (653), (654), (655), (656), (657), (658), (659), (660), (661), (662), (663), (664), (665), (666), (667), (668), (669), (670), (671), (672), (673), (674), (675), (676), (677), (678), (679), (680), (681), (682), (683), (684), (685), (686), (687), (688), (689), (690), (691), (692), (693), (694), (695), (696), (697), (698), (699), (700), (701), (702), (703), (704), (705), (706), (707), (708), (709), (710), (711), (712), (713), (714), (715), (716), (717), (718), (719), (720), (721), (722), (723), (724), (725), (726), (727), (728), (729), (730), (731), (732), (733), (734), (735), (736), (737), (738), (739), (740), (741), (742), (743), (744), (745), (746), (747), (748), (749), (750), (751), (752), (753), (754), (755), (756), (757), (758), (759), (760), (761), (762), (763), (764), (765), (766), (767), (768), (769), (770), (771), (772), (773), (774), (775), (776), (777), (778), (779), (780), (781), (782), (783), (784), (785), (786), (787), (788), (789), (790), (791), (792), (793), (794), (795), (796), (797), (798), (799), (800), (801), (802), (803), (804), (805), (806), (807), (808), (809), (810), (811), (812), (813), (814), (815), (816), (817), (818), (819), (820), (821), (822), (823), (824), (825), (826), (827), (828), (829), (830), (831), (832), (833), (834), (835), (836), (837), (838), (839), (840), (841), (842), (843), (844), (845), (846), (847), (848), (849), (850), (851), (852), (853), (854), (855), (856), (857), (858), (859), (860), (861), (862), (863), (864), (865), (866), (867), (868), (869), (870), (871), (872), (873), (874), (875), (876), (877), (878), (879), (880), (881), (882), (883), (884), (885), (886), (887), (888), (889), (890), (891), (892), (893), (894), (895), (896), (897), (898), (899), (900), (901), (902), (903), (904), (905), (906), (907), (908), (909), (910), (911), (912), (913), (914), (915), (916), (917), (918), (919), (920), (921), (922), (923), (924), (925), (926), (927), (928), (929), (930), (931), (932), (933), (934), (935), (936), (937), (938), (939), (940), (941), (942), (943), (944), (945), (946), (947), (948), (949), (950), (951), (952), (953), (954), (955), (956), (957), (958), (959), (960), (961), (962), (963), (964), (965), (966), (967), (968), (969), (970), (971), (972), (973), (974), (975), (976), (977), (978), (979), (980), (981), (982), (983), (984), (985), (986), (987), (988), (989), (990), (991), (992), (993), (994), (995), (996), (997), (998), (999), (1000), (1001), (1002), (1003), (1004), (1005), (1006), (1007), (1008), (1009), (1010), (1011), (1012), (1013), (1014), (1015), (1016), (1017), (1018), (1019), (1020), (1021), (1022), (1023), (1024), (1025), (1026), (1027), (1028), (1029), (1030), (1031), (1032), (1033), (1034), (1035), (1036), (1037), (1038), (1039), (1040), (1041), (1042), (1043), (1044), (1045), (1046), (1047), (1048), (1049), (1050), (1051), (1052), (1053), (1054), (1055), (1056), (1057), (1058), (1059), (1060), (1061), (1062), (1063), (1064), (1065), (1066), (1067), (1068), (1069), (1070), (1071), (1072), (1073), (1074), (1075), (1076), (1077), (1078), (1079), (1080), (1081), (1082), (1083), (1084), (1085), (1086), (1087), (1088), (1089), (1090), (1091), (1092), (1093), (1094), (1095), (1096), (1097), (1098), (1099), (1100), (1101), (1102), (1103), (1104), (1105), (1106), (1107), (1108), (1109), (1110), (1111), (1112), (1113), (1114), (1115), (1116), (1117), (1118), (1119), (1120), (1121), (1122), (1123), (1124), (1125), (1126), (1127), (1128), (1129), (1130), (1131), (1132), (1133), (1134), (1135), (1136), (1137), (1138), (1139), (1140), (1141), (1142), (1143), (1144), (1145), (1146), (1147), (1148), (1149), (1150), (1151), (1152), (1153), (1154), (1155), (1156), (1157), (1158), (1159), (1160), (1161), (1162), (1163), (1164), (1165), (1166), (1167), (1168), (1169), (1170), (1171), (1172), (1173), (1174), (1175), (1176), (1177), (1178), (1179), (1180), (1181), (1182), (1183), (1184), (1185), (1186), (1187), (1188), (1189), (1190), (1191), (1192), (1193), (1194), (1195), (1196), (1197), (1198), (1199), (1200), (1201), (1202), (1203), (1204), (1205), (1206), (1207), (1208), (1209), (1210), (1211), (1212), (1213), (1214), (1215), (1216), (1217), (1218), (1219), (1220), (1221), (1222), (1223), (1224), (1225), (1226), (1227), (1228), (1229), (1230), (1231), (1232), (1233), (1234), (1235), (1236), (1237), (1238), (1239), (1240), (1241), (1242), (1243), (1244), (1245), (1246), (1247), (1248), (1249), (1250), (1251), (1252), (1253), (1254), (1255), (1256), (1257), (1258), (1259), (1260), (1261), (1262), (1263), (1264), (1265), (1266), (1267), (1268), (1269), (1270), (1271), (1272), (1273), (1274), (1275), (1276), (1277), (1278), (1279), (1280), (1281), (1282), (1283), (1284), (1285), (1286), (1287), (1288), (1289), (1290), (1291), (1292), (1293), (1294), (1295), (1296), (1297), (1298), (1299), (1300), (1301), (1302), (1303), (1304), (1305), (1306), (1307), (1308), (1309), (1310), (1311), (1312), (1313), (1314), (1315), (1316), (1317), (1318), (1319), (1320), (1321), (1322), (1323), (1324), (1325), (1326), (1327), (1328), (1329), (1330), (1331), (1332), (1333), (1334), (1335), (1336), (1337), (1338), (1339), (1340), (1341), (1342), (1343), (1344), (1345), (1346), (1347), (1348), (1349), (1350), (1351), (1352), (1353), (1354), (1355), (1356), (1357), (1358), (1359), (1360), (1361), (1362), (1363), (1364), (1365), (1366), (1367), (1368), (1369), (1370), (1371), (1372), (1373), (1374), (1375), (1376), (1377), (1378), (1379), (1380), (1381), (1382), (1383), (1384), (1385), (1386), (1387), (1388), (1389), (1390), (1391), (1392), (1393), (1394), (1395), (1396), (1397), (1398), (1399), (1400), (1401), (1402), (1403), (1404), (1405), (1406), (1407), (1408), (1409), (1410), (1411), (1412), (1413), (1414), (1415), (1416), (1417), (1418), (1419), (1420), (1421), (1422), (1423), (1424), (1425), (1426), (1427), (1428), (1429), (1430), (1431), (1432), (1433), (1434), (1435), (1436), (1437), (1438), (1439), (1440), (1441), (1442), (1443), (1444), (1445), (1446), (1447), (1448), (1449), (1450), (1451), (1452), (1453), (1454), (1455), (1456), (1457), (1458), (1459), (1460), (1461), (1462), (1463), (1464), (1465), (1466), (1467), (1468), (1469), (1470), (1471), (1472), (1473), (1474), (1475), (1476), (1477), (1478), (1479), (1480), (1481), (1482), (1483), (1484), (1485), (1486), (1487), (1488), (1489), (1490), (1491), (1492), (1493), (1494), (1495), (1496), (1497), (1498), (1499), (1500), (1501), (1502), (1503), (1504), (1505), (1506), (1507), (1508), (1509), (1510), (1511), (1512), (1513), (1514), (1515), (1516), (1517), (1518), (1519), (1520), (1521), (1522), (1523), (1524), (1525), (1526), (1527), (1528), (1529), (1530), (1531), (1532), (1533), (1534), (1535), (1536), (1537), (1538), (1539), (1540), (1541), (1542), (1543), (1544), (1545), (1546), (1547), (1548), (1549), (1550), (1551), (1552), (1553), (1554), (1555), (1556), (1557), (1558), (1559), (1560), (1561), (1562), (1563), (1564), (1565), (1566), (1567), (1568), (1569), (1570), (1571), (1572), (1573), (1574), (1575), (1576), (1577), (1578), (1579), (1580), (1581), (1582), (1583), (1584), (1585), (1586), (1587), (1588), (1589), (1590), (1591), (1592), (1593), (1594), (1595), (1596), (1597), (1598), (1599), (1600), (1601), (1602), (1603), (1604), (1605), (1606), (1607), (1608), (1609), (1610), (1611), (1612), (1613), (1614), (1615), (1616), (1617), (1618), (1619), (1620), (1621), (1622), (1623), (1624), (1625), (1626), (1627), (1628), (1629), (1630), (1631), (1632), (1633), (1634), (1635), (1636), (1637), (1638), (1639), (1640), (1641), (1642), (1643), (1644), (1645), (1646), (1647), (1648), (1649), (1650), (1651), (1652), (1653), (1654), (1655), (1656), (1657), (1658), (1659), (1660), (1661), (1662), (1663), (1664), (1665), (1666), (1667), (1668), (1669), (1670), (1671), (1672), (1673), (1674), (1675), (1676), (1677), (1678), (1679), (1680), (1681), (1682), (1683), (1684), (1685), (1686), (1687), (1688), (1689), (1690), (1691), (1692), (1693), (1694), (1695), (1696), (1697), (1698), (1699), (1700), (1701), (1702), (1703), (1704), (1705), (1706), (1707), (1708), (1709), (1710), (1711), (1712), (1713), (1714), (1715), (1716), (1717), (1718), (1719), (1720), (1721), (1722), (1723), (1724), (1725), (1726), (1727), (1728), (1729), (1730), (1731), (1732), (1733), (1734), (1735), (1736), (1737), (1738), (1739), (1740), (1741), (1742), (1743), (1744), (1745), (1746), (1747), (1748), (1749), (1750), (1751), (1752), (1753), (1754), (1755), (1756), (1757), (1758), (1759), (1760), (1761), (1762), (1763), (1764), (1765), (1766), (1767), (1768), (1769), (1770), (1771), (1772), (1773), (1774), (1775), (1776), (1777), (1778), (1779), (1780), (1781), (1782), (1783), (1784), (1785), (1786), (1787), (1788), (1789), (1790), (1791), (1792), (1793), (1794), (1795), (1796), (1797), (1798), (1799), (1800), (1801), (1802), (1803), (1804), (1805), (1806), (1807), (1808), (1809), (1810), (1811), (1812), (1813), (1814), (1815), (1816), (1817), (1818), (1819), (1820), (1821), (1822), (1823), (1824), (1825), (1826), (1827), (1828), (1829), (1830), (1831), (1832), (1833), (1834), (1835), (1836), (1837), (1838), (1839), (1840), (1841), (1842), (1843), (1844), (1845), (1846), (1847), (1848), (1849), (1850), (1851), (1852), (1853), (1854), (1855), (1856), (1857), (1858), (1859), (1860), (1861), (1862), (1863), (1864), (1865), (1866), (1867), (1868), (1869), (1870), (1871), (1872), (1873), (1874), (1875), (1876), (1877), (1878), (1879), (1880), (1881), (1882), (1883), (1884), (1885), (1886), (1887), (1888), (1889), (1890), (1891), (1892), (1893), (1894), (1895), (1896), (1897), (1898), (1899), (1900), (1901), (1902), (1903), (1904), (1905), (1906), (1907), (1908), (1909), (1910), (1911), (1912), (1913), (1914), (1915), (1916), (1917), (1918), (1919), (1920), (1921), (1922), (1923), (1924), (192



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

apply a loan made by the licensee to make a partial prepayment of any installment sale contract which has been purchased, held or collected in part by such licensee or affiliated person.

B) A licensee shall not knowingly make a loan which is used in whole or in part to make a down payment on an installment sale contract which will be purchased, held or collected by the licensee or affiliated person.

C) When an installment sale contract is held by a licensee or affiliated person, it is paid in full from the proceeds of a loan made by the licensee or affiliated person, a portion of the time price differential shall be rebated as prescribed in Section 7 of the Motor Vehicle Retail Installment Sales Act (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 567) and/or Section 7 of the Retail Installment Sales Act (RISA) (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 507).

B) When the proceeds of a loan are used to pay in full an installment sale contract held by the licensee or by an affiliated person, the account record for such a loan shall disclose the account number of the account so paid, and between visits of the Department's Examiners, the licensee or affiliated person shall keep in the licensed office a separate file on all account records or copies thereof pertaining to such installment sale contracts. Such account record shall disclose information as follows: date of purchase; date of contract and maturity; payment schedule; amount of financing charge on which rebate was calculated; amount of rebates; if any; amount, if any, paid for insurance; and other benefits and official fees paid or to be paid to a public officer for perfecting a lien or to file or record a release as well as date and account number of the loan.

B) When such an installment contract involves subsequent purchases (add-on) as provided for in Section 21 of the Retail Installment Sales Act, a separate rebate shall be computed for the original purchase and each subsequent purchase as if each purchase had been made under a separate contract.

E) For the purpose of computing rebate of the finance charge the amount actually paid by the seller or subsequent holder of the contract to a fully licensed insurance agent or broker or insurance company for insurance premium may be excluded from the finance charge in the event of cancellation of any automobile insurance or insurance on other tangible personal property; the refund of the insurance premium to the buyer shall not be less than that granted by the insurance company. With respect to any other insurance which is cancelled, the refund of the insurance

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

premium or cost shall be not less than that required under the Rule of 70 refund method; the official fee paid or to be paid to public officers for perfecting the lien or to file or record a release are not required to be rebated.

G) No part of the finance charge except the acquisition charge shall be deducted from the finance charge in computing the required rebate.

2) A licensee under the Consumer Installment Loan Act or parent company or wholly owned subsidiary of the licensee may conduct the business of making any other loan permitted to be made by applicable state or federal law.

3) Credit life and accident and health insurance may be provided and a charge therefor made to the buyer in connection with an other licensed business transaction as set forth in Section 110-170 and the qualifications therein in a retail installment transaction insurance against loss or damage to property or liability arising out of ownership may be required of an obligor. The purchase of any policy of insurance from the licensee shall not be a condition precedent to a loan.

4) A licensee under the Consumer Installment Loan Act may conduct a loan by mail program:

A) A loan by mail is defined as one initiated and executed by the borrower by mail without the borrower's physical entry into the office and in which the receipts of the loan are transmitted by mail to the borrower at a point other than the licensed premises.

B) Office records and files of original papers must indicate by a distinguishing mark that the loan was made by mail:

- i) Loan register;
- ii) Individual account records of borrowers;
- iii) File of all original papers;
- iv) Alphabetical index of all borrowers; endorser, co-makers or sureties.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. \_\_\_\_\_, effective January 2, 1998, for a maximum of 150 days)

## Section 110.210 Examination Communications and Remittances

## EMERGENCY

a) Licensees shall forward address all examination remittances communications to the Division of Consumer Credit Department of Financial Institutions, at any address designated by the Director, 199 West Randolph Street, Chicago, Illinois 60601, or 431 East Capitol Springfield, Illinois 62766. All remittances must be forwarded to the Chicago address.

b) All fees and charges shall be remitted in the form of a check, draft or money order to the order of Director of Financial Institutions.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 114.3, effective January 2, 1998, for a maximum of 150 days)

Section 110.215 Document Preparation FeeEMERGENCY

A licensee may assess the obligor a document preparation fee not to exceed \$25. This fee may be assessed for consummated loans only and shall be itemized and disclosed in the loan contract as prescribed under the provisions of the Truth-in-Lending Act.

In the event of prepayment in full, no portion of this fee is required to be refunded.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 114.3, effective January 2, 1998, for a maximum of 150 days)

Section 110.220 Credit PracticesEMERGENCY

No licensee while collecting or attempting to collect an alleged debt shall engage in any of the following acts:

- a) Using or threatening to use force violence or physical harm to an obligor debtor, his family or his property;
- b) Threatening arrest or criminal prosecution when no basis for such action lawfully exists;
- c) Threatening the seizure, attachment and sale of an obligor's property when such action can only be taken pursuant to court order unless disclosure is made that prior court proceedings are required;
- d) Disclosing or threatening to disclose information adversely affecting an obligor's reputation for credit worthiness with knowledge or reason to know such information is false;
- e) Threatening to initiate or initiating communication with an obligor's employer unless there has been a default in the payment of the obligation and at least 5 days prior written notice to the last known address of the obligor of the intent to communicate with the employer and except as expressly permitted by statute or court order;
- f) Communicating or threatening to communicate with an obligor or his family with such unreasonable frequency as to constitute harassment, or at times reasonably considered to be unusual hours or known to be inconvenient;
- g) Using profane, obscene or abusive language with an obligor or his family;
- h) Disclosing or threatening to disclose information relating to an obligor's indebtedness to any other person except when such other person has a legitimate business need for the information;
- i) Disclosing or threatening to disclose information concerning the existence of a debt which the licensee knows to be reasonably disputed

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

by the obligor without disclosing the fact that the debt is disputed;  
j) Attempting or threatening to attempt enforcement of a right or remedy with knowledge or reason to know that the right or remedy does not exist.

- k) Use of any form of communication simulating legal or judicial process which gives the appearance of being authorized, issued or approved by a governmental agency, official or attorney at law when it is not;
- l) Use of badges, uniforms, or other indicia of any governmental agency or official except as authorized by law;
- m) Misrepresenting the amount of the debt alleged to be owed;
- n) Representing that an alleged debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when there is no contractual or statutory authorization for such addition.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 114.3, effective January 2, 1998, for a maximum of 150 days)

Section 110.225 Verification of Amount OwedEMERGENCY

a) Upon written request by either the obligor or the obligor's appointed designee to obtain the amount owing to satisfy the loan in full, the licensee shall provide the following information in writing no later than three business days of receiving the request:

- 1) Net amount owing as of date of response;
  - 2) For simple interest loans, the per diem interest that will accrue for every day thereafter;
  - 3) For recomputed loans, the date that amount owing as stated in response will expire.
- b) The licensee shall only be required to provide this information once every six months.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 114.3, effective January 2, 1998, for a maximum of 150 days)

Section 110.230 GeneralEMERGENCY

a) A Subject---to---the Federal Trade Commission-Credit Practices-Rule-16 CFR-444-1985; wage assignment may be taken from any employed obligor borrower. An "obligor A-borrower" as the word is used in this Part includes endorser-obligor co-makers or sureties as well as the person actually receiving the money.

b) No person who himself is an obligor a-borrower of a licensee, may become a surety--endorser or co-maker for one or more obligors borrowers of the same licensee, if his aggregate direct or contingent liability is in excess of maximum principal amounts specified in Section 15 of the Act.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- e) The licensee shall keep in the licensed office a record or list of all account records of all loans purchased or sold to another affiliated or non-affiliated licensee. The account shall be maintained in such file until examined and released by the examiner. This record or list shall indicate the date of transaction, account name and number, and the name of the other buyer/seller in the transaction.
- f) No licensee shall sell any note or security deposited by an obligor except to another licensee under the Consumer Installment Loan Act, Sales Finance Agency Act, Collection Agency Act or other persons authorized by the Director as meeting the criteria in par. 5494 of the Act provided however that this shall not apply where the borrower takes up residence outside the State of Illinois.
- g) Notary fees shall not be charged to or collected from the obligor borrower.
- h) No licensee shall take any power of attorney except to acknowledge the execution of an instrument.
- i) All books, records, files and account records required by the Consumer Installment Loan Act, relevant federal acts and the rules and regulations of the Department shall at all times be kept up-to-date.
- j) No licensee shall transact business licensed under the Consumer Installment Loan Act under any other name or at any other place of business than that named in the license.

- k) The Department may examine all records and investigate any or all transactions in the office of the licensee operating under the Consumer Installment Loan Act to determine that the business complies with applicable laws and regulations and shall charge the licensee \$100.00 for each examiner day or portion thereof required to make and complete an examination or investigation of such licensee.
- l) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee which is regulated or licensed by the Department. A separate charge shall be made for each examiner day or portion thereof required to complete each examination as to licensed business.
- m) A request to change a place of business to a location other than that set forth in the license shall be submitted to the Department for approval at least 10 days prior to the removal together with an investigation fee of \$100.00 and the license shall be delivered for execution of removal consent.
- n) Prior to the completion of the loan, the licensee must inform the obligor in a disclosure statement or other instrument that the obligor has the right to prepay the loan in full at any time before maturity and that upon prepayment in full on any installment date, such prepayment will reduce the finance and insurance charge for the loan.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- o) No penalty charge other than provided by the Consumer Installment Loan Act or the rules and regulations thereunder shall of the Department of Financial Institutions may be imposed by the licensee in the event of prepayment of the principal of the obligation, in whole or in part.
- p) Except as provided herein or as permitted under any other consumer loan law and as contained in the Consumer Installment Loan Act (Ill. Rev. Stat. 1985, ch. 12, par. 5419), the licensee may not charge the borrower a loan fee, finder's fee, service fee, transaction fee, or any other fee, investigation fee or fee reported by broker's fee or any such similar charge or fee. Each licensed office shall have the right to fit or accessible for ready reference current copies of the Consumer Installment Loan Act (Ill. Rev. Stat. 1985, ch. 12, par. 5419 et seq.) the rules and regulations of this Department pertaining to said Act, and federal laws and regulations pertaining to the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) applicable to the conduct of business by the licensee.
- q) For the purpose of any reports required by the Department of Financial Institutions, expenses of all businesses conducted in the licensed office shall be allocated to each such business at the end of each year. The Department shall require information as to all such business in the licensee's annual report.
- r) No licensee shall discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction for purposes of determining an individual's aggregate responsibility, an obligor or borrower and spouse are considered one person if jointly responsible on an account.
- s) When a licensee is suspended, the licensee's office must remain open during regular business hours to take payments on existing loans, but not to make new loans.
- t) Loans secured by real estate made under this Act shall disclose on the face of the contract that the loan is being made pursuant to the Consumer Installment Loan Act.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

# Section 10.235 Relocation EMERGENCY

- a) Whenever a licensee desires to change the licensed place of business to a location other than that set forth in the license and the proposed site is 15 miles or less from the current location, the licensee shall provide the Department with the following at least ten days prior to the relocation:

- 1) A written notice providing the complete address of the new location;

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- 2) Photographs of both the exterior and interior of the new location;
  - 3) A written sworn statement that the new location will not share the premises with that of another business and the exact distance in miles between the existing location and new location;
  - 4) A relocation fee of \$100; and
  - 5) The original legal size license for endorsement.
- b) A relocation in excess of 15 miles requires the prior approval of the Director in addition to the information required in subsection (a) of this Section.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 14.023, effective January 2, 1998, for a maximum of 150 days)

## Section 110.240 Hearing Procedures

## EMERGENCY

## a) Hearings

After receipt of a written request for a hearing, the Director shall send a Notice of Hearing to the respondent requesting the hearing at least ten (10) days prior to the date set for such hearing by certified mail of the date, the time and place of a hearing to review the propriety of any administrative actions made pursuant to the Act. In accordance with Section 9-4, the Director will notify any licensee by registered mail of the date, time and place of a hearing for final action or vacation of a license.

- b) The Director may designate in writing, a Hearing Officer who shall have the authority to:
  - 1) Examine or permit examination of any witness under oath;
  - 2) Determine the order of appearance of all parties;
  - 3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
  - 4) Rule on objections to evidence;
  - 5) Make a written report with recommendations to the Director which shall include findings of fact and conclusions of law with respect to the claim. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
  - 6) Require any party or his attorney to provide proposed findings of fact or conclusions of law for consideration in his report.
- c) General Provisions
  - 1) Delivery of notice shall be deemed complete when the notice is deposited in the to the United States Mail Postal Service and constitute delivery.
  - 2) A continuance shall be granted for good cause by the Hearing Officer or his designee which shall be:

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- A) In writing--in duplicate and signed by the respondent petitioner or his attorney and shall state the reasons for the request.
- B) Delivered to the Hearing Officer Director or his designee at least three days prior to the scheduled hearing.
- C) For the purposes of this subsection (e)(2) paragraph, good cause shall require the respondent petitioner to demonstrate real and compelling need for additional time. It shall include but not be limited to illness, service in the armed forces, etc.
- 3) The respondent licensee shall bear all the costs of the hearing whether or not he or she is in attendance--Absence of the licensee shall not prohibit the Department from proceeding unless a continuance has been granted.
- 4) A court reporter will be present and considered as part of the costs of the hearing.
- d) Conduct of Hearings
  - 1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director. The licensee or his attorney shall then present his case and the proof thereof--the proof may include testimony or any document relevant to the claim.
  - 2) The rules of evidence and privilege as applied in civil cases in the Circuit Courts of this State shall be followed. The Hearing Officer may admit evidence not admissible under such rules if such evidence may be relevant to the case in accordance with Section 19-4b of the Illinois Administrative Procedure Act (1991 Rev. Stat., ch. 127, par. 1019-4b).
  - 3) The Hearing Officer may on his own motion or the motion of one of the parties take notice of matters of which the Circuit Courts of this State may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
  - 4) Failure of the respondent to attend the hearing shall result in dismissal of the respondent's petition and an entry of a default against the respondent. Within thirty (30) days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and be excused due diligence to attend or seek a continuance. No non-employee or hearing officer shall attend notice of a hearing, communicate with any party or his attorney in connection with any issue in said hearing except notice and opportunity for all parties to participate.



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- 5) The record of any hearing shall include:
- All pleadings, and evidence received whether admitted or excluded;
  - A statement of all matters officially noticed;
  - All offers of proof, objections and rulings thereon;
  - All proposed findings and exceptions;
  - Any decision, opinion, or report by the Hearing Officer;
  - Any communication prohibited by this rule, although such communication shall not form the basis for any finding of fact.
- 6) Any evidence excluded by the Hearing Officer, even though such evidence is not used in the determination of the claim; GHA A proceeding transcript which shall be recorded by such means as to adequately ensure the preservation of the testimony.
- 7) Within sixty days of the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Director, pursuant to this section.
- 8) Within thirty days after receiving the report of the Hearing Officer, the Director shall issue his decision, which shall be served on the respondent claimant and other parties personally or by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request from the petitioner.
- 9) Petition to Reconsider
- Within thirty days after receipt of the Director's decision, the respondent any party may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance manifest weight of the evidence, was contrary to law, or was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.
  - The Director shall determine within fifteen days whether to reconsider the case. If the Director determines after reading the affidavit that one or more of the findings listed in subsection (e)(1) has been alleged by the respondent petitioner, a hearing may shall be held pursuant to this rule and shall be limited to only those issues raised in by the petition to reconsider and affidavit. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 110.250 Limited Purpose Branch

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

- EMERGENCY**
- A licensee applying for a limited purpose branch, shall submit to the Department the following:
- A written application in the form prescribed by the Director.
  - Fee as prescribed by the Act.
  - Photograph of proposed site and a description of the location including any other business which is conducted there.
  - Written statements:
    - that no other activity shall be conducted at the site, including but not limited to, accepting payments, servicing the accounts, or collections; and
    - that the proposed site shall not be within 1,000 feet of a facility operated by an inter-track wagering licensee or an organization licensee subject to the Illinois Horse Racing Act of 1975, or riverboat subject to the Riverboat Gambling Act, or within 1,000 feet of the location at which the riverboat docks.
  - Any additional information that the Director may require.
- (Source: Added by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 110.260 Off-Site Records

**EMERGENCY**

With the Director's prior written approval, the licensee may retain records at a location other than the licensed location. The licensee shall make a written request which shall include the following:

- Address of off-site location.
- Contact person and telephone number at the off-site location.
- Statement that all books, records and account information shall be made available within seventy-two (72) hours of the Department's request at either the licensed location or the off-site location.
- At the Director's discretion, the examination may be conducted at either the licensed location or the off-site location.
- The licensee will pay for all examination expenses.

(Source: Added by emergency amendment at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

Section 110. TABLE A Illinois Rule of 78 Fractions for Rebating Charges According to Number of Months Originally Contracted For and Number of Months Prepaid in Full for Contracts of 2 to 120 Months (Repealed)

## EMERGENCY

REBATE-FRACTIONS-FOR-CONTRACTS  
PREPAID-ONE-MONTH

{find-number-of-months-con-  
tracted-for-on-left-and  
rebate-fraction-on-right}

NUMBER-OF-REBATE-FRACTIONS  
FOR-EARLIER-PREPAYMENTS

{find-number-of-months-prepaid  
on-left-and-number-of  
rebate-fractions-on-right}

Number-of-months  
originally  
contracted-for

--2 1/3  
--3 1/6  
--4 1/10  
--5 1/15  
--6 1/21  
--7 1/28  
--8 1/36  
--9 1/45  
--10 1/55  
--11 1/66  
--12 1/78  
--13 1/91  
--14 1/105  
--15 1/120  
--16 1/136  
--17 1/153  
--18 1/171  
--19 1/190  
--20 1/210  
--21 1/231  
--22 1/253  
--23 1/276  
--24 1/300  
--25 1/325  
--26 1/351  
--27 1/378  
--28 1/406  
--29 1/435  
--30 1/465

--2  
--3  
--4  
--5  
--6  
--7  
--8  
--9  
--10  
--11  
--12  
--13  
--14  
--15  
--16  
--17  
--18  
--19  
--20  
--21  
--22  
--23  
--24  
--25  
--26  
--27  
--28  
--29  
--30

Number-of-months  
prepaid

---3  
---6  
---10  
---15  
---21  
---28  
---36  
---45  
---55  
---66  
---78  
---91  
---105  
---120  
---136  
---153  
---171  
---190  
---210  
---231  
---253  
---276  
---300  
---325  
---351  
---378  
---406  
---435  
---465

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

Number-of-months  
originally  
contracted-for

1/496  
1/520  
1/561  
1/595  
1/630  
1/666  
1/703  
1/741  
1/780  
1/820  
1/861  
1/903  
1/946  
1/990  
1/1035  
1/1081  
1/1128  
1/1176  
1/1225  
1/1275  
1/1326  
1/1378  
1/1431  
1/1485  
1/1540  
1/1596  
1/1653  
1/1711  
1/1770  
1/1830  
1/1891  
1/1953  
1/2016  
1/2080  
1/2145  
1/2211  
1/2278  
1/2346  
1/2415  
1/2485  
1/2556  
1/2628  
1/2701  
1/2775

--31  
--32  
--33  
--34  
--35  
--36  
--37  
--38  
--39  
--40  
--41  
--42  
--43  
--44  
--45  
--46  
--47  
--48  
--49  
--50  
--51  
--52  
--53  
--54  
--55  
--56  
--57  
--58  
--59  
--60  
--61  
--62  
--63  
--64  
--65  
--66  
--67  
--68  
--69  
--70  
--71  
--72  
--73  
--74

Number-of-months  
prepaid

--31  
--32  
--33  
--34  
--35  
--36  
--37  
--38  
--39  
--40  
--41  
--42  
--43  
--44  
--45  
--46  
--47  
--48  
--49  
--50  
--51  
--52  
--53  
--54  
--55  
--56  
--57  
--58  
--59  
--60  
--61  
--62  
--63  
--64  
--65  
--66  
--67  
--68  
--69  
--70  
--71  
--72  
--73  
--74

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

Number-of-months originally contracted-for	Number-of-months prepaid
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100
101	101
102	102
103	103
104	104
105	105
106	106
107	107
108	108
109	109
110	110
111	111
112	112
113	113
114	114
115	115
116	116
117	117
118	118
119	119

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

Number-of-months originally contracted-for	Number-of-months prepaid
119	119
120	120
121	121
122	122
123	123
124	124
125	125
126	126
127	127
128	128
129	129
130	130
131	131
132	132
133	133
134	134
135	135
136	136
137	137
138	138
139	139
140	140
141	141
142	142
143	143
144	144
145	145
146	146
147	147
148	148
149	149
150	150
151	151
152	152
153	153
154	154
155	155
156	156
157	157
158	158
159	159
160	160
161	161
162	162
163	163
164	164
165	165
166	166
167	167
168	168
169	169
170	170
171	171
172	172
173	173
174	174
175	175
176	176
177	177
178	178
179	179
180	180
181	181
182	182
183	183
184	184
185	185
186	186
187	187
188	188
189	189
190	190
191	191
192	192
193	193
194	194
195	195
196	196
197	197
198	198
199	199
200	200
201	201
202	202
203	203
204	204
205	205
206	206
207	207
208	208
209	209
210	210
211	211
212	212
213	213
214	214
215	215
216	216
217	217
218	218
219	219
220	220
221	221
222	222
223	223
224	224
225	225
226	226
227	227
228	228
229	229
230	230
231	231
232	232
233	233
234	234
235	235
236	236
237	237
238	238
239	239
240	240
241	241
242	242
243	243
244	244
245	245
246	246
247	247
248	248
249	249
250	250
251	251
252	252
253	253
254	254
255	255
256	256
257	257
258	258
259	259
260	260
261	261
262	262
263	263
264	264
265	265
266	266
267	267
268	268
269	269
270	270
271	271
272	272
273	273
274	274
275	275
276	276
277	277
278	278
279	279
280	280
281	281
282	282
283	283
284	284
285	285
286	286
287	287
288	288
289	289
290	290
291	291
292	292
293	293
294	294
295	295
296	296
297	297
298	298
299	299
300	300
301	301
302	302
303	303
304	304
305	305
306	306
307	307
308	308
309	309
310	310
311	311
312	312
313	313
314	314
315	315
316	316
317	317
318	318
319	319
320	320
321	321
322	322
323	323
324	324
325	325
326	326
327	327
328	328
329	329
330	330
331	331
332	332
333	333
334	334
335	335
336	336
337	337
338	338
339	339
340	340
341	341
342	342
343	343
344	344
345	345
346	346
347	347
348	348
349	349
350	350
351	351
352	352
353	353
354	354
355	355
356	356
357	357
358	358
359	359
360	360
361	361
362	362
363	363
364	364
365	365
366	366
367	367
368	368
369	369
370	370
371	371
372	372
373	373
374	374
375	375
376	376
377	377
378	378
379	379
380	380
381	381
382	382
383	383
384	384
385	385
386	386
387	387
388	388
389	389
390	390
391	391
392	392
393	393
394	394
395	395
396	396
397	397
398	398
399	399
400	400
401	401
402	402
403	403
404	404
405	405
406	406
407	407
408	408
409	409
410	410
411	411
412	412
413	413
414	414
415	415
416	416
417	417
418	418
419	419
420	420
421	421
422	422
423	423
424	424
425	425
426	426
427	427
428	428
429	429
430	430
431	431
432	432
433	433
434	434
435	435
436	436
437	437
438	438
439	439
440	440
441	441
442	442
443	443
444	444
445	445
446	446
447	447
448	448
449	449
450	450
451	451
452	452
453	453
454	454
455	455
456	456
457	457
458	458
459	459
460	460
461	461
462	462
463	463
464	464
465	465
466	466
467	467
468	468
469	469
470	470
471	471
472	472
473	473
474	474
475	475
476	476
477	477
478	478
479	479
480	480
481	481
482	482
483	483
484	484
485	485
486	486
487	487
488	488
489	489
490	490
491	491
492	492
493	493
494	494
495	495
496	496
497	497
498	498
499	499
500	500
501	501
502	502
503	503
504	504
505	505
506	506
507	507
508	508
509	509
510	510
511	511
512	512
513	513
514	514
515	515
516	516
517	517
518	518
519	519
520	520
521	521
522	522
523	523
524	524
525	525
526	526
527	527
528	528
529	529
530	530
531	531
532	532
533	533
534	534
535	535
536	536
537	537
538	538
539	539
540	540
541	541
542	542
543	543
544	544
545	545
546	546
547	547
548	548
549	549
550	550
551	551
552	552
553	553
554	554
555	555
556	556
557	557
558	558
559	559
560	560
561	561
562	562
563	563
564	564
565	565
566	566
567	567
568	568
569	569
570	570
571	571
572	572
573	573
574	574
575	575
576	576
577	577
578	578
579	579
580	580
581	581
582	582
583	583
584	584
585	585
586	586
587	587
588	588
589	589
590	590
591	591
592	592
593	593
594	594
595	595
596	596
597	597
598	598
599	599
600	600
601	601
602	602
603	603
604	604
605	605
606	606
607	607
608	608
609	609
610	610
611	611
612	612
613	613
614	614
615	615
616	616
617	617
618	618
619	619
620	620
621	621
622	622
623	623
624	624
625	625
626	626
627	627
628	628
629	629
630	630
631	631
632	632
633	633
634	634
635	635
636	636
637	637
638	638
639	639
640	640
641	641
642	642
643	643
644	644
645	645
646	646
647	647
648	648
649	649
650	650
651	651
652	652
653	653
654	654
655	655
656	656
657	657
658	658
659	659
660	660
661	661
662	662
663	663
664	664
665	665
666	666
667	667
668	668
669	669
670	670
671	671
672	672
673	673
674	674
675	675
676	676
677	677
678	678
679	679
680	680
681	681
682	682
683	683
684	684
685	685
686	686
687	687
688	688
689	689
690	690
691	691
692	692
693	693
694	694
695	695
696	696
697	697
698	698
699	699
700	700
701	701
702	702
703	703
704	704
705	705
706	706
707	707
708	708
709	709
710	710
711	711
712	712
713	713
714	714
715	715
716	716
717	717
718	718
719	719
720	720
721	721
722	722
723	723
724	724
725	725
726	726
727	727
728	728
729	729
730	730
731	731
732	732
733	733
734	734
735	735
736	

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

Section 110. TABLE B Rule of 78 Percentage Rebate Table (Repealed)

No.	Pre- paid	120 Mos.	106 Mos.	96 Mos.	84 Mos.	72 Mos.	60 Mos.	48 Mos.	36 Mos.	24 Mos.	12 Mos.	%	Term of Loan—Number of Months Originally Contracted For											
													Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	Mos.	%
1	-01	-02	-02	-02	-03	-04	-05	-09	-15	-22	-33	1-28												
2	-04	-05	-06	-08	-11	-16	-26	-45	-65			1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33	1-33
3	-08	-10	-13	-17	-23	-33	-51	-90				1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40	1-40
4	-14	-17	-21	-28	-38	-55	-85	-140	-215	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15	2-15
5	-21	-25	-32	-42	-57	-82	-128	-225	-323	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23	3-23
6	-29	-36	-45	-59	-80	-115	-179	-315	-452	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32	4-32
7	-39	-48	-60	-78	-107	-153	-238	-420	-602	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41	5-41
8	-50	-61	-77	-101	-137	-197	-306	-541	-714	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50	6-50
9	-62	-76	-97	-126	-171	-246	-383	-676	-968	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59	7-59
10	-76	-93	-118	-154	-209	-301	-468	-826	-1183	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68	8-68
11	-91	-112	-142	-185	-254	-361	-561	-991	-1449	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77	9-77
12	-107	-133	-168	-218	-297	-426	-663	-1171	-1677	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86	10-86
13	-125	-155	-195	-256	-346	-497	-774	-1366	-2058	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95	11-95
14	-145	-178	-226	-294	-400	-574	-893	-1577	-2258	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104	12-104
15	-165	-204	-258	-336	-457	-656	-1020	-1802	-2585	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113	13-113
16	-187	-231	-292	-381	-518	-743	-1156	-2042	-2925	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122	14-122
17	-211	-260	-329	-429	-582	-836	-1341	-2297	-3290	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131	15-131
18	-236	-291	-367	-479	-651	-934	-1454	-2553	-3677	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140	16-140
19	-262	-323	-408	-532	-723	-1038	-1616	-2868	-4086	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149	17-149
20	-289	-357	-451	-588	-799	-1148	-1876	-3153	-4516	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158	18-158
21	-318	-392	-496	-647	-879	-1262	-1964	-3468	-4968	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167	19-167
22	-348	-430	-543	-709	-963	-1382	-2151	-3799	-5441	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176	20-176
23	-380	-469	-593	-773	-1050	-1508	-2347	-4144	-5935	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185	21-185
24	-413	-510	-644	-840	-1142	-1639	-2551	-4505	-6452	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194	22-194
25	-448	-556	-698	-910	-1237	-1776	-2764	-4880	-6948	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203	23-203
26	-483	-596	-754	-983	-1336	-1918	-2985	-5270	-7585	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212	24-212
27	-521	-642	-812	-1059	-1438	-2066	-3214	-5676	-8129	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221	25-221
28	-559	-690	-872	-1137	-1545	-2219	-3452	-6096	-8731	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230	26-230
29	-599	-739	-934	-1248	-1655	-2377	-3699	-6532	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239	27-239
30	-640	-790	-999	-1303	-1769	-2541	-3951	-6982																
31	-683	-843	-1065	-1380	-1887	-2710	-4218	-7447																
32	-727	-897	-1125	-1479	-2009	-2885	-4490	-7928																
33	-773	-953	-1205	-1571	-2135	-3066	-4770	-9423																
34	-820	-1011	-1278	-1667	-2264	-3251	-5060	-8934																

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENTS

18	8.65	10.70	11.83	17.05	23.07	34.43	53.1
19	9.11	11.31	12.40	18.06	25.24	36.39	56.0
20	9.68	11.94	13.10	19.00	26.75	38.42	59.8
21	10.24	12.50	13.91	20.76	28.20	40.49	63.0
22	10.74	13.25	14.75	21.95	29.68	42.62	66.33
23	11.29	13.95	15.61	22.97	31.20	44.81	69.75
24	11.86	14.63	16.49	24.12	32.76	47.05	73.21
25	12.44	15.34	17.39	25.29	34.36	49.34	76.70
26	13.03	16.07	18.32	26.50	36.00	51.60	80.44
27	13.64	16.82	19.26	27.73	37.67	54.10	84.18
28	14.26	17.58	20.23	28.99	39.38	56.56	88.01
29	14.89	18.37	21.22	30.28	41.13	59.07	91.92
30	15.54	19.16	22.23	31.60	42.92	61.64	95.92
31	16.20	19.98	23.26	32.94	44.75	64.26	
32	16.87	20.81	24.31	34.31	46.61	66.94	
33	17.56	21.66	25.38	35.71	48.52	69.67	
34	18.26	22.53	26.48	37.14	50.46	72.46	
35	18.96	23.41	27.60	38.60	52.44	75.30	
36	19.71	24.31	28.73	40.08	54.45	78.20	
37	20.45	25.23	29.89	41.60	56.51	81.15	
38	21.21	26.16	31.08	43.14	58.60	84.15	
39	22.00	27.12	32.28	44.71	60.72	87.21	
40	22.77	28.08	33.50	46.30	62.90	90.33	
41	23.57	29.07	34.75	47.93	65.11	93.50	
42	24.38	30.07	36.02	49.58	67.35	96.72	
43	25.21	31.10	37.30	51.26	69.63		
44	26.05	32.13	38.61	52.97	71.96		
45	26.90	33.18	41.95	54.71	74.32		
46	27.77	34.25	43.30	56.48	76.71		
47	28.65	35.34	44.67	58.26	79.15		
48	29.55	36.44	46.07	60.08	81.62		
49	30.45	37.56	47.49	61.93	84.13		
50	31.38	38.70	48.93	63.81	86.68		
51	32.31	39.86	50.39	65.71	89.27		
52	33.26	41.03	51.87	67.60	91.89		
53	34.23	42.22	53.37	69.61	94.56		
54	35.21	43.43	54.90	71.60	97.26		
55	36.20	44.65	56.44	73.61			
56	37.20	44.65	58.01	75.66			
57	37.20	45.89	58.01	77.72			
58	38.22	47.15	59.60	79.83			
59	39.26	48.42	61.21				

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

1	3	40.71	6.84	38.87
2	4	51.62	64.33	85.95
3	5	52.84	66.17	86.90
4	6	53.63	67.87	88.5
5	7	54.5	69.59	90.74
6	8	55.05	71.33	93.03
7	9	56.42	73.09	95.32
8	10	57.82	74.87	97.65
9	11	59.23	76.68	
10	12	60.65	78.50	
11	13	62.10	80.35	
12	14	63.56	82.22	
13	15	65.04	84.11	
14	16	66.53	86.02	
15	17	68.04	87.95	
16	18	69.57	89.91	
17	19	71.12	91.88	
18	20	72.68	93.88	
19	21	74.26	95.90	
20	22	75.86	97.94	
21	23	77.47		
22	24	79.10		
23	25	80.75		
24	26	82.42		
25	27	84.10		
26	28	85.80		
27	29	87.51		
28	30	89.25		
29	31	91.00		
30	32	92.76		
31	33	94.40		
32	34	96.55		
33	35	98.47		
34	36	100.40		
35	37	102.40		
36	38	104.40		
37	39	106.40		
38	40	108.40		
39	41	110.40		
40	42	112.40		
41	43	114.40		
42	44	116.40		
43	45	118.40		
44	46	120.40		
45	47	122.40		
46	48	124.40		
47	49	126.40		
48	50	128.40		
49	51	130.40		
50	52	132.40		
51	53	134.40		
52	54	136.40		
53	55	138.40		
54	56	140.40		
55	57	142.40		
56	58	144.40		
57	59	146.40		
58	60	148.40		
59	61	150.40		
60	62	152.40		
61	63	154.40		
62	64	156.40		
63	65	158.40		
64	66	160.40		
65	67	162.40		
66	68	164.40		
67	69	166.40		
68	70	168.40		
69	71	170.40		
70	72	172.40		
71	73	174.40		
72	74	176.40		
73	75	178.40		
74	76	180.40		
75	77	182.40		
76	78	184.40		
77	79	186.40		
78	80	188.40		
79	81	190.40		
80	82	192.40		
81	83	194.40		
82	84	196.40		
83	85	198.40		
84	86	200.40		
85	87	202.40		
86	88	204.40		
87	89	206.40		
88	90	208.40		
89	91	210.40		
90	92	212.40		
91	93	214.40		
92	94	216.40		
93	95	218.40		
94	96	220.40		
95	97	222.40		
96	98	224.40		
97	99	226.40		
98	100	228.40		
99	101	230.40		
100	102	232.40		
101	103	234.40		
102	104	236.40		
103	105	238.40		
104	106	240.40		
105	107	242.40		
106	108	244.40		
107	109	246.40		
108	110	248.40		
109	111	250.40		
110	112	252.40		
111	113	254.40		
112	114	256.40		
113	115	258.40		
114	116	260.40		
115	117	262.40		
116	118	264.40		
117	119	266.40		
118	120	268.40		
119	121	270.40		
120	122	272.40		
121	123	274.40		
122	124	276.40		
123	125	278.40		
124	126	280.40		
125	127	282.40		
126	128	284.40		
127	129	286.40		
128	130	288.40		
129	131	290.40		
130	132	292.40		
131	133	294.40		
132	134	296.40		
133	135	298.40		
134	136	300.40		
135	137	302.40		
136	138	304.40		
137	139	306.40		
138	140	308.40		
139	141	310.40		
140	142	312.40		
141	143	314.40		
142	144	316.40		
143	145	318.40		
144	146	320.40		
145	147	322.40		
146	148	324.40		
147	149	326.40		
148	150	328.40		
149	151	330.40		
150	152	332.40		
151	153	334.40		
152	154	336.40		
153	155	338.40		
154	156	340.40		
155	157	342.40		
156	158	344.40		
157	159	346.40		
158	160	348.40		
159	161	350.40		
160	162	352.40		
161	163	354.40		
162	164	356.40		
163	165	358.40		
164	166	360.40		
165	167	362.40		
166	168	364.40		
167	169	366.40		
168	170	368.40		
169	171	370.40		
170	172	372.40		
171	173	374.40		
172	174	376.40		
173	175	378.40		
174	176	380.40		
175	177	382.40		
176	178	384.40		
177	179	386.40		
178	180	388.40		
179	181	390.40		
180	182	392.40		
181	183	394.40		
182	184	396.40		
183	185	398.40		
184	186	400.40		
185	187	402.40		
186	188	404.40		
187	189	406.40		
188	190	408.40		
189	191	410.40		
190	192	412.40		
191	193	414.40		
192	194	416.40		
193	195	418.40		
194	196	420.40		
195	197	422.40		
196	198	424.40		
197	199	426.40		
198	200	428.40		
199	201	430.40		
200	202	432.40		
201	203	434.40		
202	204	436.40		
203	205	438.40		
204	206	440.40		
205	207	442.40		
206	208	444.40		
207	209	446.40		
208	210	448.40		
209	211	450.40		
210	212	452.40		
211	213	454.40		
212	214	456.40		
213	215	458.40		
214	216	460.40		
215	217	462.40		
216	218	464.40		
217	219	466.40		
218	220	468.40		
219	221	470.40		
220	222	472.40		
221	223	474.40		
222	224	476.40		
223	225	478.40		
224	226	480.40		
225	227	482.40		
226	228	484.40		
227	229	486.40		
228	230	488.40		
229	231	490.40		
230	232	492.40		
231	233	494.40		
232	234	496.40		
233	235	498.40		
234	236	500.40		
235	237	502.40		
236	238	504.40		
237	239	506.40		
238	240	508.40		
239	241	510.40		
240	242	512.40		
241	243	514.40		
242	244	516.40		
243	245	518.40		
244	246	520.40		
245	247	522.40		
246	248	524.40		
247	249	526.40		
248	250	528.40		
249	251	530.40		
250	252	532.40		
251	253	534.40		
252	254	536.40		
253	255	538.40		
254	256	540.40		
255	257	542.40		
256	258	544.40		
257	259	546.40		
258	260	548.40		
259	261	550.40		
260	262	552.40		
261	263	554.40		
262	264	556.40		
263	265	558.40		
264	266	560.40		
265	267	562.40		
266	268	564.40		
267	269	566.40		
268	270	568.40		
269	271	570.40		
270	272	572.40		
271	273	574.40		
272	274	576.40		
273	275	578.40		
274	276	580.40		
275	277	582.40		
276	278	584.40		
277	279	586.40		
278	280	588.40		
279	281	590.40		
280	282	592.40		
281	283	594.40		
282	284	596.40		
283	285	598.40		
284	286	600.40		
285	287	602.40		
286	288	604.40		
287	289	606.40		
288	290	608.40		
289	291	610.40		
290	292	612.40		
291	293	614.40		
292	294	616.40		
293	295	618.40		
294	296	620.40		
295	297	622.40		
296	298	624.40		
297	299	626.40		
298	300	628.40		
299	301	630.40		
300	302	632.40		
301	303	634.40		
302	304	636.40		
303	305	638.40		
304	306	640.40		
305	307	642.40		
306	308	644.40		
307	309	646.40		

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

1) Heading of the Part: Financial Planning and Management Service Act

2) Code Citation: 38 Ill. Adm. Code 140

3) Section Numbers:  
 Emergency Action:  
 140.10  
 Amendment  
 140.20  
 Amendment  
 140.30  
 Amendment  
 140.40  
 Amendment  
 140.50  
 Amendment  
 140.60  
 Amendment  
 140.70  
 Amendment  
 140.80  
 Amendment  
 140.90  
 Amendment  
 140.100  
 Amendment  
 140.110  
 Amendment  
 140.120  
 Added  
 140.130  
 Added

4) Statutory Authority: 205 ILCS 665/15

5) Effective Date of Amendments: January 2, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date Filed in Agency's Principal Office: December 18, 1997

8) Reason for Emergency: The Financial Planning and Management Service Act and the Consumer Credit Counseling Act were amended and repealed respectively. The Financial Planning and Management Service Act is now the Debt Management Services Act. Without these rules, the Department would not have rules for the Act.

9) A Complete Description of the Subjects and Issues Involved: The Debt Management Services Act becomes effective on January 1, 1998. In order to have rules for that Act, we must adopt rules as an emergency.

10) Are there any proposed amendments to this Part pending? No

11) Statement of Statewide Policy Objective: This rule does not create nor expand a state mandate.

12) Information and questions regarding these amendments shall be directed to:

M. Rose Kelly, Chief Counsel  
 100 W. Randolph  
 Suite 15-700

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

Chicago, IL 60601  
 312-814-1524

The full text of the emergency amendments begins on the next page:



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

## PART 140

DEBT MANAGEMENT FINANCIALS-PLANNING-AND-MANAGEMENT SERVICE ACT

## Section

140.10 Office Records

EMERGENCY

140.20 Bank Account

EMERGENCY

140.30 Dual Business

EMERGENCY

140.40 License

EMERGENCY

140.50 General Operations

EMERGENCY

140.60 Fees

EMERGENCY

140.70 Prohibited Activities

EMERGENCY

140.80 Advertising

EMERGENCY

140.90 Availability of Act and Rules and Regulations

EMERGENCY

140.100 Examination

EMERGENCY

140.110 Revocation - Suspension - Surrender

EMERGENCY

140.120 Hearing Procedures

EMERGENCY

140.130 Proof of Payment

EMERGENCY

AUTHORITY: Implementing and authorized by the Debt Management Service Act [205 ILCS 665].

SOURCE: Filed February 14, 1972; old rules repealed, new rules adopted at 3 Ill. Reg. 27, p. 81, effective July 2, 1979; codified at 7 Ill. Reg. 13264; amended at 8 Ill. Reg. 1368, effective January 1, 1985; emergency amendment at 22 Ill. Reg. 140.2, effective January 2, 1998, for a maximum of 150 days.

## Section 140.10 Office Records

EMERGENCY

- a) 1) Every licensee shall keep the following records or their equivalent in accord with generally accepted accounting

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

principles as approved by the Department:

A) Client File Customer's Register

B) Client Activity Record Account-Cards

C) Payment Detail Report Cash-Book

D) File-of-Original-Papers

E) Index System

- 2) Such records must be kept at the licensed office as the record of business conducted as a financial planning and management business:

If a computerized system is in use, licensee shall maintain a permanent file of back-up computer media for the end of each month.

- 3) All books and records shall be kept current and available for examination by the Department of Financial Institutions.

b) Client File Customer's Register

The client file customer's register shall contain the following: original entry and be a permanent record and shall show the account number, name, address, date of contract, total indebtedness, monthly payment, and fee charged and term of contract; the original contract, a listing of total debtor income, a list of creditors including the balance owed to each and monthly payments due and a copy of the agreed-upon debt management plan.

- c) Client Activity Record Account-Cards

An individual account card shall be maintained for each customer. Such account card shall show the name and address of the customer; account number; date of contract; total indebtedness; terms of payments; and the fee charged; the card shall also indicate the distribution of the prorated fee.

- 1) A file shall be kept containing the paid or cancelled account cards for period of two (2) years from the paid or cancelled date showing disbursements in full and the final amount of fee collected. Adding machine tapes verifying the disbursements including the fee against total receipts shall be attached to each card but shall not obscure entries.

- 2) If a contract is cancelled by a licensee or customer and a fee is claimed but not paid, the account card shall show the reason for cancellation and the amount of the fees claimed.

- 3) The entries on the card for payments received shall correspond with the receipts given to the customer and shall also show the disbursements made to creditors. All entries shall be made in ink.

- 4) No erasures whatsoever may be made on the card. In case of error a line should be drawn in ink through the improper entry and the correct entry made on the following line. No entries shall be masked covered or rendered illegible.

- 5) When legal action is taken to collect an unpaid fee the account card shall indicate:

A)

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

- ii) Date-of-Judgment
  - iii) Amount-of-Judgment
  - iii) Name-and-place-of-court
  - iv) Court-costs
- B) If--court-costs-are-included-in-the-amount-claimed--receipts-for-court-costs-advanced-and-a-statement-from-the-attorney-of-record--(if--there-is-one)--shall-be-kept-in-file-of-original-papers.
- C) A-separate-file-of-all-litigation-accounts-to-be-known-as the-"grobrie-File"--shall-be-maintained-in-the-office-of-the licensee.

The Client Activity Record shall contain the original entry and be a permanent record, and shall show the debtor's account number, name, address, date of contract, total indebtedness, monthly receipts, any fees charged, amounts disbursed to creditors and the estimated term of the contract to satisfy the amount owed.

If a contract is cancelled by a licensee or debtor and a fee is claimed but not paid, the debtor activity record shall show the reason for cancellation and the amount of any fee claimed to be owed.

2) If legal action is taken to collect an unpaid fee, the client activity record shall include a copy of the judgment or action taken.

3) A separate file of all litigation accounts shall be maintained in the office of the licensee.

## d) Payment Detail Report Cash-Book

i) All receipts-and-disbursement-of-any-amount-shall-be-entered-in the-cash-book-on-the-date-of-receipt-or-disbursement--the-cash book-shall-show-the-monthly-totals-of-all-receipts-disbursements-and-disbursed-or-reserve-funds.

2) The-cash-book-shall-be-a-permanent-record-of-all-details-of income-and-disbursements-including-all-entries-to-individuals accounts-of-customers.

An Individual Payment Detail Report shall be maintained for each debtor, including the account number, name and address, date of contract, total indebtedness, terms of payment and any fees charged. The report shall also show the monthly total of all receipts, disbursements, undischarged or reserve funds and the distribution of any prorated fee.

1) A file shall be kept containing the paid or canceled Payment Detail Reports for a period of five (5) years, showing the receipts and disbursement in full and the total amount of fees collected. In a non-computerized system, adding machine tapes verifying the receipts against all client payments, including total fees, shall be attached to each client file.

2) The entries on the Payment Detail Report shall correspond with the receipt of periodic statement given to the debtor and shall reflect the disbursement made to creditors showing the net and

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

GROSS amount.

3) In a non-computerized system, all entries shall be made in ink and no erasures whatsoever may be made on the report. In case of error, a line should be drawn in ink through the improper entry and the correct entry made on the following line. No entries shall be masked, covered or rendered illegible.

e) File-of-Original-Papers  
The-file-of-original-papers-for-each-account-shall-contain-the following--the-contract--a-list-of-creditors-and-amounts-owed-to each--evidence-of-acceptance-of-the-plan-by-a-majority-of-creditors-in number-and-amount.

e)f) Index System

An alphabetical index system shall be kept indicating name and address of clients, account number, date of contract and total indebtedness.

g) All-books-and-records-required-by-the-Rules-and-Regulations-shall-at all-times-be-kept-up-to-date-and-available-for-examination-by representatives-of-the-Department-of-Financial-Institutions.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.20 Bank Account

## EMERGENCY

a) A separate trust bank account shall be maintained for the purpose of depositing customer's receipts and making disbursements to creditors or transferring earned fees to the general account. Funds shall be deposited within one business day of receipt promptly.

b) Trust account bank statements and cancelled checks shall be retained at the office of the licensee for a period of (3) two-(2) years, from the-date-the-account-was-paid-or-cancelled.

c) Copies of the original trust account bank statement and cancelled checks, either in hard copy, microfilm, microfiche, or by other electronic means shall be kept at the office of the licensee or at licensee's headquarters, or an off-site storage facility for a period of five (5) years.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.30 Dual Business

## EMERGENCY

No licensee shall transact any other business than that provided for by the Debt Financial Planning and Management Service Act within the office, room or place of business occupied by the licensee, except as may be authorized in writing by the Director upon his finding that the character of such other business is such that the granting of such authority will not facilitate

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

evasions of the Act or the Rules.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. \_\_\_\_\_, effective January 2, 1998, for a maximum of 150 days)

Section 140.40 License

EMERGENCY

When more than one license is issued to an individual, partnership or corporation, proof must be shown that each branch will be managed by an experienced person of good character and general fitness. A resume of past experience and former employers shall be submitted with the application for a license.

- a) For purposes of determining an applicant's qualifications for a license, the Department shall find an applicant financially responsible if it has a positive net worth. Net worth means total assets minus total liabilities.
- b) An applicant shall possess at least six months of relevant business experience.
- c) In order to determine the applicant's general fitness and character, the Director may require applicants to submit at least two letters of recommendation from persons familiar with the applicant or the applicant's business.
- d) For all applications due on January 1, 1998, the applicant may submit the application for license, the required \$25,000 bond and deposit in cash or U.S. Government bonds and other required information to the Director on or before March 1, 1998. Any applicant applying for a license after March 1, 1998 and thereafter shall submit the bond, the application for license and all required information at the time of application for a license.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. \_\_\_\_\_, effective January 2, 1998, for a maximum of 150 days)

Section 140.50 General Operations

EMERGENCY

- a) The licensee shall explain clearly and distinctly to each customer exactly the services to be rendered and the fees to be paid. The customer shall be furnished with a clear statement of the charges.
- b) A plan of payment shall be considered feasible and practical if it is devised in writing to allow a regular accumulation of funds for distribution to creditors after determination of the customer's regular income, fixed and operating expenses and such provision for emergencies as may be mutually agreed upon.

If, after analyzing the debtor's total income and expenses, it is

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

determined that a payment plan should be developed, the licensee shall create a Debt Management Plan (DMP) that is considered feasible and practical to allow a payment of funds by the debtor for distribution to the debtor's creditors as may be mutually agreed upon.

- 1) The licensee shall seek to obtain the consent of a majority of the creditors to accept the terms of the payment plan. Creditor acceptance may be determined by acceptance of a payment without written objection.
- 2) The debtor has the right to cancel the Debt Management Plan at any time by notifying licensee, in writing, of debtor's desire to discontinue.
- 3) The date of cancellation will take effect on the first day of the month following receipt of the cancellation notice from the debtor.

- c) When a contract is paid-in-full or satisfied, a statement shall be issued promptly to the debtor showing that the obligation has been satisfied. Licensee shall obtain a copy of the contract marked "Paid" or "satisfied" in the client file.

- 1) If the debtor terminates payment to the licensee for a period exceeding thirty (30) days, the licensee shall not consider prepayment fees as having been earned beyond thirty (30) days following the next monthly contract date.

- 2) The licensee is prohibited from charging a penalty for cancellation before the end of the debtor or the licensee except as provided in Section 14 of the Act.

- 3) The licensee shall actively seek to obtain the consent of a majority of the creditors by number and amount. Creditor acceptance may be determined by acceptance of a payment without written objection.

- 4) Failure to obtain the consent as stated above of a majority of the creditors in number and amount within sixty (60) days of the contract execution shall entitle the debtor to the prior ratification of the consent of a majority of the creditors if such is received after 60 days. Cancellation of the contract at any time within one hundred and twenty (120) days of said contract date. Failure of licensee to actually obtain said consent shall relieve debtor of liability for payment of any cancellation fees herein authorized.

- d) All paid-in-full contracts on which the fee has been collected or waived must be returned to the customer promptly showing that the obligation has been satisfied. Licensee may retain a copy of the original contract as returned to the debtor marking "Paid" or "Satisfied".

- e) If the contract debtor terminates payments to the licensee for a period exceeding thirty (30) days the licensee shall not consider prepayment fees as having been earned beyond thirty (30) days

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

following the next monthly contract anniversary date. If the debtor resumes payments to the licensee within one hundred twenty (120) days following the termination, the licensee may reinstate the contract and consider prorata monthly fees to be earned commencing with the closest monthly contract anniversary date.

2) Nothing in the above wording is intended to alter the fees due the licensee in the event of prepayment or cancellation by either the debtor or the licensee as provided in Section 12 of the Act.

3) Every contract between a licensee and debtor shall:

- 1) list every debt to be prorated, with the creditor's name, and disclose the total of all such debts;
- 2) provide payments reasonably within the ability of the debtor to pay in precise terms;
- 3) disclose in precise terms the rate and amount of the licensee's charge;
- 4) disclose the approximate number and amount of installments required to pay the debts in full;
- 5) disclose the name and address of the licensee and of the debtor;
- 6) be drawn for the term necessary to liquidate the debtor's obligation;
- 7) contain such other provisions or disclosures as the Director of Financial Institutions shall determine is necessary for the protection of the debtor and the proper conduct of business by a licensee;
- 8) disclose the right of the debtor to cancel at any time;
- 9) inform the debtor of any relationship that exists between the licensee and any creditor.

10) All contracts shall not be originated executed at the office of the licensee or its agent.

11) When adjustments are needed to change the indebtedness listed in the contract, the licensee may execute a new contract using the revised figures or use a rider form executed in accordance with instructions provided in the rider. A cancellation charge shall not be made in using either alternative.

12) All legal documents and other forms that a debtor shall be required to sign shall be filed with the Director of the Department of Financial Institutions prior to use.

13) A licensee shall deliver a copy of any contract, or agreement, or Debt Management Plan between the licensee and the debtor to the debtor immediately after the debtor executes it, and the debtor's copy shall be executed by the licensee.

14) A calendar month is the period from the given date in one month to the same numbered date in the following month and if there is no same numbered date in the following month, to the last date in the following month. Not more than one (1) month's service fee may be considered earned in any calendar month. A calendar month commences on the anniversary date of the contract.

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

1) A licensee paid by check or money order, a licensee shall deliver a receipt to the debtor for each cash payment, within five (5) days after receipt of a payment.

2) The licensee shall make distribution remittances to the debtor's creditors within thirty (30) days after initial receipt of funds, and thereafter distribution remittances shall be made to creditors within thirty (30) fifteen (15) days of receipt, less fees and costs, unless the reasonable payment of one (1) or more of the debtor's obligations requires that such funds be held for a longer period to accumulate a certain sum, but in any case not to exceed an additional thirty (30) days, or as authorized by the contract.

3) At least once each three (3) six (6) months, the licensee shall render an accounting to the debtors which shall itemize the total amount received from the debtor, the total amount paid to each creditor, the total amount which any creditor has agreed to accept as payment in full on any debt owed him by the debtor, the amount of charges deducted, and any amounts held in reserve. A licensee shall render such an accounting account to a debtor within five (5) seven (7) days after receipt of a written demand.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.60 Fees

## EMERGENCY

- a) A printed schedule of fees charged by a licensee shall be given to the debtor prior to the initial counseling session. Posted in conspicuous place in the licensee's place of business. A licensee shall not charge fees in excess of the posted fees.
- b) Utility, biweekly, mortgage, and other cyclical bills may not be included in the schedule of debts on which service charges are computed, but may be included in a plan of distribution to creditors as a management factor. Charges not to exceed 5% of monies handled for cyclical bills may be imposed.

A licensee shall not charge any fee in excess of those provided in Section 12 of the Act.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.70 Prohibited Activities

## EMERGENCY

a) A licensee shall not take:

- 1) Any contract, promise to pay, or other instrument which has any blank spaces when signed by a debtor;
- 2) Any negotiable instrument for the licensee's charges;



## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

- 3) Any note, wage assignment, real estate or chattel mortgage, or other security to secure the licensee's charges;
- 4) Any confession of judgment or power of attorney to confess judgment against the debtor or to appear for the debtor in a judicial proceeding;
- 5) Any real or personal property as security for payment of a fee;
- 6) Concurrent with the signing of the contract or as part of the application for the contract a release of any obligation to be performed on the part of the licensee.
- b) A licensee shall not take an appointment as attorney in fact or power of attorney.
- c) Licensees shall not take any legal instrument from the debtor other than the service contract and authorized rider.
- d) The licensee shall not accept a fee directly, or indirectly, from any person or other entity lending-institutions in exchange for the referring referral of potential customers borrowers-to-lenders.
- e) No fees shall be paid directly, or indirectly, to an attorney, lending institutions, or any other source for the referral of customers.
- f) A licensee shall not solicit or require a debtor to purchase, or agree to purchase, any policy of insurance.
- g) A licensee shall not lend money or extend credit or include in the contract any debts not established prior to the execution of the contract. Projected future-rental mortgage-payments-and-the-creating of-a-savings-account-are-not-considered-to-be-debts-within-the-meaning of-the-Act
- h) No advance of the licensee's funds on the debtor's customer's behalf shall be made by a licensee to any creditor or to the debtor without-the-customer's-written-consent--No-advance-of-funds-may-be made-as-a-device-to-extend-the-scheduled-maturity-of-a-contract-and-thereby-increase-fee-charges-to-the-customer--No-interest-may-be charged-on-the-funds-advanced.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.80 Advertising

## EMERGENCY

- a) Advertising shall not be false, misleading or deceptive. The use of payment-charts-that-predict-the-amount-or-period-of-payment-without detailed-analysis-of-all-factors-involved-is-prohibited. No statement shall be permitted that states or implies that no financial problem is too great for the licensee to solve. No statement shall be permitted that states or implies that the licensee will use his own cash to pay the debtor's debtors' accounts. All advertisements shall contain the phrase, "we do not lend money".
- b) Upon specific request by the Department, licensees shall forward to

## DEPARTMENT OF FINANCIAL INSTITUTIONS

## NOTICE OF EMERGENCY AMENDMENT

the Director Supervisor-of-the-Consumer-Credit-Division the complete text of all advertising copy for which questions have been raised concerning-compliance-with-the-Pennetel-Planning-and-Management Service-Act.

- c) All advertising shall contain the true name and address of the licensee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.90 Availability of Act and Rules and Regulations

## EMERGENCY

A copy of the Debt Pennetel-Planning-and Management Service Act and this Part Rules-pertaining-to-it shall be kept in each office and branch.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.100 Examination

## EMERGENCY

- a) The Director may Department-shall make an examination of the office and records of each licensee and shall charge \$100.00 for each examined day, or portion thereof, at least-once-each-year-or-at-any time-at-the-discretion-of-the-Director

- b) All communications shall be addressed to the Director, Department of Financial Institutions, to any address designated by the Director. No N--be-Sally-Chicago-Illinois-60661. All fees shall be paid to the "Director of Financial Institutions".

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

## Section 140.110 Revocation - Suspension - Surrender

## EMERGENCY

- a) Pursuant-to-Section-10-of-the-Act-the-Director-may-revoke-a-particular licensee-with-respect-to-which-grounds-for-revocation-occur-or-exist but-if-he-shall-find-that-grounds-of-revocation-are-of-general application-to-all-offices-or-more-than-one-office-of-the-licensee-he may-revoke-every-license-to-which-such-grounds-apply
- b) Upon-five-days-notice-to-the-licensee-by-United-States-mail-at-the address-set-forth-in-the-licensee-stating-the-contemplated-action-and-in-general-the-grounds-thereof-and-upon-reasonable-opportunity-to be-heard-prior-to-such-action-the-Director-may-suspend-a-licensed activity-if-he-shall-find-a-knowing-and-willful-violation-of-the-Act-or Rules-or-refusal-to-comply-with-an-order-decision-or-finding-of-the



DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

**Director-made-pursuant-to-this-Act-has-occurred:**  
A licensee may surrender any license by delivering to the Director written notice that it thereby surrenders such license, but such surrender shall not affect such licensee's civil or criminal liability for acts committed prior to such surrender, or affect the liability on its bond or bonds, or entitle such licensee to a return of any part of the annual license fee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1540, effective January 2, 1998, for a maximum of 150 days)

Section 140.120 Hearing Procedures  
**EMERGENCY**

a) Hearings

After receipt of a written request for a hearing, the Director shall send a Notice of Hearing to the respondent requesting the hearing at least ten (10) days prior to the date set for such hearing by certified mail, of the date, the time and place of a hearing to review the propriety of any administrative actions made pursuant to the Act. The Director may designate in writing, a Hearing Officer who shall have the authority to:

- 1) Examine or permit examination of any witness under oath;
- 2) Determine the order of appearance of all parties;
- 3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness;
- 4) Rule on objections to evidence;
- 5) Make a written report with recommendations to the Director which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and
- 6) Revoke any part or his attorney to provide proposed findings of fact or conclusions of law for consideration in his report.

c) General Provisions

- 1) Delivery of notice shall be deemed complete when the Notice is deposited in the U.S. mail.
- 2) A continuance shall be granted for good cause by the Hearing Officer which shall be:
  - A) in writing and signed by the respondent or his attorney and shall state the reasons for the request.
  - B) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.
 For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include, but not be limited to, illness, service in the armed forces, etc.
- 3) The respondent shall bear any and all costs of the hearing.
- 4) A court reporter will be present and considered as part of the

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

Costs of the Hearing.

d) Conduct of Hearings

- 1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director.
- 2) The rules of evidence and privilege as applied in civil cases in the circuit courts of this state shall be followed. The Hearing Officer may admit evidence not admissible under such rules if such evidence may be relevant to the case.
- 3) The Hearing Officer may, on his own motion or the motion of one of the parties, take notice of matters of which the circuit courts of this state may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.
- 4) Failure to attend the hearing shall result in the dismissal of the respondent's petition and an entry of a default against the respondent. Within thirty (30) days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and he exercised due diligence to attend or seek a continuance.
- 5) The record of any hearing shall include:
  - A) All pleadings, and evidence received whether admitted or excluded;
  - B) A statement of all matters officially noticed;
  - C) All offers of proof, objections and rulings thereon;
  - D) All proposed findings and exceptions;
  - E) Any decision, opinion, or report by the Hearing Officer;
  - F) Any evidence excluded by the Hearing Officer, even though such evidence is not used in the determination of the decision;
  - G) A proceeding transcript which shall be recorded by such means as to adequately ensure the preservation of the testimony.
- 6) Within sixty days of the hearing or the receipt of all necessary documents, the Hearing Officer shall report to the Director.
- 7) Within thirty days after receiving the report of the Hearing Officer, the Director shall issue his decision, which shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request.

e)

- 1) Petition to Reconsider  
Within thirty days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENT

petition stating that the decision was against the preponderance of the evidence was contrary to law, or was arbitrary or capricious, or was affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.

2) The Director shall determine within fifteen days whether to reconsider the case. If the Director determines, after reading the affidavit, that one or more of the findings listed in subsection (e)(1) exists, a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Added by emergency rulemaking at 22 Ill. Reg. effective January 2, 1996, for a maximum of 150 days)

Section 140.130 Proof of Payment  
EMERGENCY

Upon completion of the contract, the licensee shall mail a statement to the debtor stating that the account has been closed and listing the names and addresses of each creditor paid in full and names and addresses of any creditors remaining unpaid.

(Source: Added by emergency rulemaking at 22 Ill. Reg. effective January 2, 1996, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Sales Finance Agency Act
- 2) Code Citation: 38 Ill. Adm. Code 160
- 3) Section Numbers:  

<u>Emergency Action:</u>	Add
160.01	Amend
160.20	Amend
160.30	Amend
160.40	Amend
160.50	Amend
160.55	Add
160.60	Amend
160.80	Amend
160.90	Amend
160.100	Amend
160.110	Amend
160.120	Amend
160.140	Amend
160.150	Amend
160.160	Amend
160.180	Amend
160.190	Amend
160.200	Amend
160.210	Amend
160.220	Amend
160.230	Amend
160.240	Add
160.250	Add
160.260	Add
- 4) Statutory Authority: 205 ILCS 660/13
- 5) Effective Date of Amendments: January 2, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed in Agency's Principal Office: December 18, 1997
- 8) Reason for Emergency: The Sales Finance Agency Act has been amended. In order to comply with the Act, the rules must be amended.
- 9) A Complete Description of the Subjects and Issues Involved: If the rules are not amended, the licensees will be in violation of either the rules or Act, at times.
- 10) Are there any proposed amendments to this Part pending? No

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

11) Statement of Statewide Policy Objective: The Department does not believe this rulemaking creates or expand a state mandate.

12) Information and questions regarding this rulemaking shall be directed to:

M. Rose Kelly  
Chief Counsel  
100 W. Randolph, Suite 15-700  
Chicago, IL 60601  
312-814-1524

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS  
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 160  
SALES FINANCE AGENCY ACT

Section	
160.01	<u>Application for License</u>
EMERGENCY	
160.10	<u>Minimum Requirements for Office Records</u>
EMERGENCY	
160.20	<u>Transaction Register</u>
EMERGENCY	
160.30	<u>Individual Account Cards</u>
EMERGENCY	
160.40	<u>File of Original Papers</u>
EMERGENCY	
160.50	<u>Cash Book</u>
EMERGENCY	
160.55	<u>Permanent File</u>
EMERGENCY	
160.60	<u>Alphabetical Records of Buyers, Co-Purchasers and Obligors</u>
EMERGENCY	
160.70	<u>Payments</u>
160.80	<u>Delinquency Charges (Default Charges)</u>
EMERGENCY	
160.90	<u>Cancellation and Return of Documents</u>
EMERGENCY	
160.100	<u>Extensions--Renewals--Rebates</u>
EMERGENCY	
160.110	<u>Hypothecation of Security Instruments</u>
EMERGENCY	
160.120	<u>Legal Forms</u>
EMERGENCY	
160.130	<u>Judgments</u>
EMERGENCY	
160.140	<u>Sale of Security</u>
EMERGENCY	
160.150	<u>Trouble File</u>
EMERGENCY	
160.160	<u>Lien Charges</u>
EMERGENCY	
160.170	<u>Insurance</u>
EMERGENCY	
160.180	<u>Office and Office Hours</u>
EMERGENCY	
160.190	<u>Advertising</u>
EMERGENCY	
160.200	<u>Business Source and Affiliates</u>

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

## EMERGENCY

160.210 Examination Communications and Remittances

## EMERGENCY

160.220 Credit Practices

## EMERGENCY

160.230 General

## EMERGENCY

160.240 Hearing Procedure

## EMERGENCY

160.250 Service Contracts

## EMERGENCY

160.260 Off-site Records

## EMERGENCY

AUTHORITY: Implementing and authorized by Section 8(9) of the Sales Finance Agency Act [205 ILCS 660/8(9)].

SOURCE: Filed September 21, 1970; amended at 5 Ill. Reg. 1358, effective February 3, 1981; modified at 7 Ill. Reg. 11728; amended at 9 Ill. Reg. 1370, effective January 17, 1985; amended at 12 Ill. Reg. 17844, effective October 24, 1988; amended at 19 Ill. Reg. 49, effective December 22, 1994; emergency amendment at 22 Ill. Reg. 14, effective January 4, 1998.

## Section 160.01 Application for license

## EMERGENCY

a) An application for a license must be in writing, under oath, and in the form the Director prescribes. The application shall contain the following:

- 1) The name of the applicant and the address of the proposed place of business.
- 2) The form of business organization of the applicant, including:
  - A) a copy of its filed articles of incorporation;
  - B) a copy of the filed articles of organization, if the applicant is a limited liability company;
  - C) a certified statement of the ownership of the partnership and any subsequent changes thereto, if the applicant is a partnership.
- 3) The name, business and home address, credit report and a chronological summary of the business experience, material litigation history, and felony convictions over the preceding 10 years of:
  - A) the proprietor, if the applicant is an individual;
  - B) every partner, if the applicant is a partnership;
  - C) President, Secretary, Executive and Senior Vice Presidents, Directors, and individuals owning more than 25% of the corporate stock, if the applicant is a corporation; and
  - D) the manager, if the applicant is a limited liability company.

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

A licensee shall not submit the information required in subsections (a)(2) and (3) of this Section, if the licensee has previously submitted the information to the Department in a previous license application within the last 5 years and there have been no material changes, unless requested to by the Director.

- 4) The most current year end financial statements, prepared in accordance with generally accepted accounting principles and a balance sheet and statement of operations as of the most recent quarterly report before the date of the application.
- 5) A list of all states in which the applicant is licensed as a lender or sales finance agency and whether the licensee(s) of the applicant has ever been withdrawn, refused, cancelled or suspended in any other state, with full details.
- 6) Information Form.
- 7) The applicable fees as required by the Act.
- 8) Any additional information the Director considers necessary.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 15, effective January 2, 1998, for a maximum of 150 days)

## Section 160.10 Minimum Requirements for Office Records

## EMERGENCY

a) Every licensee shall keep the following records or their equivalent:

- 1) Transaction register.
- 2) Individual accounts cards of all obligors.
- 3) File of all original papers or, where prior written approval has been obtained from the Department, copies which have been reproduced in any medium or format which accurately reproduces the original papers.
- 4) Cash book.
- 5) Alphabetical record of all buyers, co-purchasers, and obligors on all obligations to the conduct of business regulated by the Sales Finance Agency Act shall be kept at the licensed office, separate or readily identifiable from the types of business conducted in the office of the licensee.
- 6) Combination forms and special systems may be used if in accordance with standard accounting procedures.
- 7) The term "licensee" as used herein, except as may be excluded by Section 17 of the Act, shall include those licensed under the provisions of the Sales Finance Agency Act and those engaged in the business of a Sales Finance Agency in this State and not required to be licensed as a Sales Finance Agency.
- 8) The terms "transaction" and "contract" as used herein shall be synonymous with Retail Charge Agreement, Retail Installment Contract, and loans secured by Retail Installment Contract, Retail Charge accounts or the outstanding balances under such contracts or agreements.

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.20 Transaction Register**

**EMERGENCY**

- a) The Transaction Register shall contain the original entry and be a permanent record. It shall show for every transaction the account number, date of transaction, nature of security, type and cost of insurance and amount of fees.
- b) It shall show the amount financed, finance charge, annual percentage rate, itemization of all other charges not specified in subsection paragraph (a), schedule of payments, and total of payments which will include all charges.
- c) The Register shall be kept numerically by number of transactions in the order made, and shall have proper headings for the items required.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.30 Individual Account Cards**

**EMERGENCY**

An individual account card shall be kept for each transaction or appropriate combination of records with respect to each finance agreement, amount-of contract which the licensee acquires pursuant to Section 2(a) of the Sales Finance Agency Act.

- 1) Such account card or records shall show the name and address of buyer, names of co-purchasers or obligors, transaction number, date of transaction, nature of security, type and cost of insurance, official fees charged and paid, amount and date of each installment due and paid; the schedule of installments as set forth in the instrument purchased, total finance charge where applicable, the name of holder if the instrument is hypothecated.
- 2) The card shall also show the date of purchase by licensee, the name of the seller, the amount financed, the amount and description of all charges to debtor not specified above and total of payments including all charges.
- b) When a transaction is prepaid in full, the account card shall show the date of prepayment, the amount paid to discharge the debt, the amount of the rebate for each of insurance and finance charge, if any, and any deduction from the rebate for previously earned but uncollected delinquency charges and insurance.
- c) The card shall contain the date and amount of all late charges and extension charges collected indicating the period for which said charges are applicable.
- d) If payment is made in any other way than in the ordinary course of business, it shall be so designated. (For example, payment by a third

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- e) party, insurance claim or sale of collateral security.) If receivables are sold, the individual account cards or copies thereof for such receivables shall show the name of the purchaser and the date of such sale.
- f) No erasures whatsoever may be made in the payment or charge section of any account card. In case of error, a line shall be drawn in ink through the improper entry and the correct entry made on the following line. The entries on the card shall correspond with the receipts given the borrower.
- g) Every licensee shall preserve the account card for at least two years after final entry.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.40 File of Original Papers**

**EMERGENCY**

- a) A separate file (such as an envelope or folder) shall be maintained for each obligor. Each such file shall contain the contract, security agreement or financing statement, wage assignment, evidence of compliance with the requirements of the Federal Consumer Credit Protection Act (15-U.S.C. 1691 et seq.) and all other instruments which are evidence of indebtedness or security pertaining to the transaction, except when said documents are in the custody of a court or of an agent for collection, or are hypothecated or sold as herein provided. Other papers relating to the obligor or his debt may be kept in the same or a separate file in the same office. Where prior written approval has been obtained from the Department, a licensee may maintain these files in any medium or format which accurately reproduces original documents or papers.

- b) All legal instruments evidencing bearing evidence of indebtedness taken in connection with a transaction and executed by an obligor, including a copy of The Disclosure Statement, if a separate instrument, must bear the transaction number.

- c) Except for the account number, no licensee shall take the assignment or purchase of any instruments in which the blanks are not filled in completely. All spaces or sections not used in the preparation of legal documents shall be ruled out or designated as "none" or "N/A". Any amendments to the contract shall be signed by the obligor and creditor or assignee.

- d) The name and address of the original seller must be incorporated into or appear on all legal instruments taken from an obligor and acquired by a licensee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.50 Cash Book**



DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

**EMERGENCY**

- a) All receipts and disbursements of any amount whatsoever shall be entered on the day they occur in the cash book or equivalent record. Separate headings shall be provided for installments, charges, and for official fees collected and disbursed, and for amounts received and disbursed for any type of insurance coverage.
- b) The cash book shall be a permanent record of all details of income and disbursements including all entries to individual accounts of obligors.
- c) For precontracted contracts, payments applied to a transaction may be shown as a total sum and need not be itemized between amount financed and finance charges, but additional charges collected for delinquency shall be itemized or otherwise separately indicated.
- d) For simple interest contracts, payments applied to a transaction must be itemized between principal, interest, other charges and additional charges collected for delinquency.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.55 Permanent File****EMERGENCY**

Each licensee shall maintain a permanent file which includes the following:

- a) A copy of all correspondence sent to or received from the Department within the last twenty-four (24) months.
- b) A copy of the last two examination exception reports and any related correspondence.
- c) A copy of the Sales Finance Agency Act, a copy of this Part, the Motor Vehicle Retail Installment Sales Act and the Retail Installment Sales Act.
- d) A list of Business Source and Affiliates as prescribed in Section 160.200 of this Part.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.60 Alphabetical Record of Buyers, Co-Purchasers and Obligors****EMERGENCY**

The alphabetical record shall show the name of each buyer, co-buyer, co-purchaser and obligor who is currently indebted to the licensee, together with sufficient information to locate the account card.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.80 Delinquency Charges (Default Charges)**

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

**EMERGENCY**

- e) All delinquency charges (Default Charges) shall comply with the requirements and provisions of the applicable statute under which the contract was made. A delinquency charge may be collected if the instrument so provides, in an amount not exceeding 5% of the installment in default or \$5.00, whichever is less, when an installment is delinquent not less than 10 days. Only one charge may be made for default of any installment irrespective of the length of default. Where the contract is governed by the Retail Installment Sales Act (310.1 Rev. Stat. 1901 ch. 121 1/2, par. 591 et seq.), the licensee may collect in lieu of a default charge interest after default on each such installment not exceeding the highest initial contract rate.

- b) Delinquency charges may be assessed and collected but shall not be added to the contract. Earned but uncollected default charges shall be recorded as of the date the delinquent installment is received even though collected as of a later date. Where the uncollected charge is waived it shall be noted on the account card.

- c) In determining the grace period, the scheduled contract payment date shall not be considered as part of the total days during which the installment is delinquent.

- d) When a default charge has been collected on a delinquent installment and before such installment is paid, the unpaid time balance is extended as provided in the applicable act; the default charge is to be rebated or credited to the debtor's account if the extension charge is computed so as to include a charge for the period of default for which the default charge was assessed.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.90 Cancellation and Return of Documents****EMERGENCY**

All original legal documents executed by the obligor evidencing bearing evidence of indebtedness shall be cancelled and returned to the obligor promptly following the renewal or payment paid in full date. Where prior written approval has been obtained from the Department and original documents are not available, a licensee shall substitute copies reproduced from any medium or format which accurately reproduces the original documents. Continuing security agreements shall may be retained until subsequent debts are paid in full. If an executed copy of a legal document is retained following payment in full or renewal, to comply with a request, it must be clearly marked, "PAID," "CANCELLED" or "RENEWED," indicating the date of payment or renewal. Copies clearly identified with the legend "COPY NOT NEGOTIABLE" or similar language, may be used in lieu of this requirement.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

**Section 160.100 Extensions--Renewals--Rebates**  
**EMERGENCY**

- a) The obligor may prepay in full by cash, extension, renewal or otherwise at any time before maturity and shall be entitled to a refund in accordance with Section 7 of the Motor Vehicle Retail Installment Sales Act (4315-Rev.-Stat.-1981-chr.-121-122-par.-567) where a motor vehicle is the subject of a Retail Installment Contract and is in accordance with Section 7 of the Retail Installment Sales Act, (4315-Rev.-Stat.-1981-chr.-121-122-par.-567) where the subject of the same is as described in Section 21 of said Act whichever is applicable.
- b) The holder of the contract may, if the obligor requests, renew or extend the maturity date of all or part of the contract for which licensee may charge and collect a refinance charge in accordance with Section 20 of the Retail Installment Sales Act or Section 19 of the Motor Vehicle Retail Installment Sales Act, whichever is applicable.
- c) If the contract provides for precomputed interest, such a charge may be calculated as the difference between the rebate that would be required for prepayment in full as of the scheduled due date of the deferred installment and the rebate which would be required for prepayment in full as of one month prior to said date.
- d) If the contract provides for precomputed interest, the "Sum of Digits" or "Rule of 78ths" is system-forms the basis for such calculation. The rebate for prepayment in full after extension charges have been levied must be larger than the rebate which otherwise would be required. For the purpose of computing rebates the number of elapsed months must be reduced by one month for each month for which an extension charge has been collected; and the number of months of prepayment must be increased by one month for each month for which an extension charge has been collected.
- e) The licensee may not charge an acquisition cost in computing rebates on prepayment in full following extension or renewal if such cost was included as an item in arriving at the net balance to be extended or renewed when the account was at any prior time renewed or extended.
- f) When a contract is prepaid in full, the obligor shall debtor must be advised as to the amount of the rebate of finance charge and unearned insurance premiums.
- g) Any applicable acquisition costs must be subtracted from the finance charge prior to applying the "Rule of 78ths" rebate.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.110 Hypothecation of Security Instruments**  
**EMERGENCY**

- a) All instruments held by licensees as evidence of indebtedness may be pledged without the prior consent of the Department, except the

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- pledgee must provide the Department, in writing, in a form satisfactory to the Department that the Director or his representatives may at any time examine the pledged instruments, and such pledgee shall also agree, in writing, to provide suitable working quarters for the examiner of the Department to make such examination.
- b) Should the records or documents of the accounts pledged be located outside of the geographic boundaries of the State of Illinois, the licensee must pay all of the expense of examination by the representatives of this Department, including travel-time, means and lodging for each examiner conducting said examination in addition to the examination fees as specified in Section 160.230 of this Part.
- c) Each instrument hypothecated must bear the following endorsement:

"This instrument is non-negotiable in form but may be pledged as collateral security. If so pledged, any payment made to the pledgor, upon the debt evidenced by this obligation, shall be considered and construed as a payment on this instrument, the same as though it were still in the possession and under the control of the pledgor named herein; and the pledgee holding this instrument as collateral security hereby makes said pledgor its agent to accept and receive payments hereon, either in installments or charges."

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

**Section 160.120 Legal Forms**

**EMERGENCY**

- a) All forms of contracts and assignments of wages furnished by the licensee to a retail seller in connection with a regulated transaction under the Sales Finance Agency Act are required to be submitted to the Department for review. Where the licensee or affiliate is engaged in the same business and licensed by this Department to engage in such business in another location the use of identical forms in the new location are not required to be submitted to the Department for review. Notice of intent to use identical forms (change of name excepted) should be provided to the Department by the licensee.
- b) Should the licensee at any time following submission of the forms for review, modify, change or enlarge the forms previously submitted, the forms as modified, changed or enlarged must shall be submitted to the Department for review.
- 3) The Department may notify the licensee within fifteen days following receipt of such forms concerning any objectionable feature therein contained pending review; the licensee shall have unrestricted right to furnish refiners the said forms. No implication of approval or disapproval by the Department of any form filed with it and reviewed is to result from objections received from the Department or silence of the Department

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

relative-thereto

- b) ~~Standard-forms--furnished--by--the--Department--shall--be--used--in--the following-cases:~~  
 1) ~~Application-for-original-license;~~  
 2) ~~Application-for-annual-renewal-of-license;~~  
 3) ~~Change-of-location~~

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.130 Judgments

EMERGENCY

- a) When an account has been reduced to judgment, the face of the account card must show the amount and date of the judgment. When judgment is taken before maturity, the same rebate of finance charge is required that would be required for prepayment in full on the date of the entry of judgment.  
 b) All payments received shall be applied to the judgment balance and be properly identified. The rate of interest charged on a judgment balance must comply with current applicable statutes. No higher rate of interest or charge shall be assessed or accepted.  
 c) The files of the licensee must contain statements assigned-by-the attorney-of-record-judge-or-magistrate-or-clerk--of--the-county setting forth the following items:  
 1) Date of judgment.  
 2) Copy of judgment.  
 3) ~~judgment-debtor's-name;~~  
 3a) ~~Date suit was filed.~~  
 3b) ~~Nature-of-the-suit;~~  
 4) ~~The amount-of-principal-and-the-amount-of-charges-for-which judgment-was-taken.~~  
 5) ~~Attorneys-fees-if-permitted-by-the-terms-of-the-instrument.~~  
 6) ~~Court-costs.~~  
 7) ~~Amount-of-the-judgment.~~

- 1a) ~~Deputy;~~  
 A) ~~Deputy;~~  
 B) ~~Confessor;~~  
 C) ~~Foreclosure;~~  
 D) ~~Foreclosure-writ;~~

- 1b) ~~Disposition-of-the-case;~~  
 d) Court costs charged to the obligor borrower must be itemized and verified by receipts ~~received-bills.~~  
 e) Where property is foreclosed or sold pursuant to any judgment or judicial process, the file must contain a copy of the decree of judicial sale.  
 f) If records related to the judgment are kept off-site, the licensee shall make these documents available from that site or return the

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

records to the licensed location within seventy-two hours of the Department's request.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.140 Sale of Security

EMERGENCY

~~the-following-regulations-shall-be-observed-in-the-sale-of-security:~~

- a) When part or all of the collateral security is repossessed and/or sold, the fact must be noted on the account card.  
 b) All credits from proceeds of the sale must be properly identified ~~whether-by-sale-of-security-etc.~~  
 c) The files of the licensee must contain:  
 1) When possession of the security was obtained, and whether by voluntary or involuntary action.  
 2) By when-and-how-sold-public-or-private sale and date of sale.  
 3) Evidence of compliance by licensee with the requirements provisions of Article 9 of the Uniform Commercial Code-Secured transactions-(1115-Rev.-Stat-1997-ch-26-par-9.101-etc--sec-7 Section-29-of-4, the Motor Vehicle Retail Installment Sales Act, Section-26-of-4, the Retail Installment Sales Act and related statutes where applicable in the sale and disposition by a secured party of collateral after default, including copies of all notices directed to the obligor debtor-or-debtors as required therein or as required by any other law, statute or regulation, State or Federal.  
 4) A report of condition of property at time of retaking.  
 5) Copy of notice of intended sale which must contain default, balance owing, date, place and time of intended sale and if public or private. Such notice shall be forwarded to the obligor debtor-or-debtors-if-more-than-one-by certified mail to the last known address of the obligor debtor-or-debtors.  
 6) Signed receipts from the purchasers (or from the auctioneer if the sale is public), describing the property purchased, showing the amount paid for same and the name of the obligor debtor who executed the security agreement, and copies of the competitive bids if the sale is private.  
 7) Copy of the statement of final accounting, original of which shall have been sent to the obligor debtor after the sale, which statement shall set forth the sale price of the property, itemization of the costs of sale, and the deficiency balance due on the account, if any.  
 8) When the property is abandoned and the address of the obligor debtor-or-debtors is uncertain or unknown, notice of sale and a statement of final accounting shall be sent to the last known address by registered or certified mail, return receipt requested.

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- d) The following is the form or its equivalent to be used when collateral is sold:

STATE \_\_\_\_\_ CITY \_\_\_\_\_ DATE \_\_\_\_\_

This is to acknowledge that the undersigned did purchase for the sum of \$ \_\_\_\_\_ from \_\_\_\_\_ the holder of a certain security agreement (Retail Installment Contract or Mortgage) executed by \_\_\_\_\_ and \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, the following described property:

(Describe fully)

SIGNATURE OF PURCHASER

- e) In connection with the sale after default of collateral property given as security for a debt, the licensee shall make only such charges for expenses incurred as are permitted by the applicable provisions of the Illinois statutes which charges must be reasonable, taking into consideration the nature of the security, the circumstances surrounding retaking and the sale, the fair market value of the collateral and the amount of the indebtedness. Such charges must be substantiated by paid receipts. The licensee may charge any necessary expense in connection with the retaking and sale of collateral chattels, including all expense incurred for by-way-of required repairs to restore the collateral chattels to a salable condition, and for mechanic's liens, storage liens, and similar liens occasioned by the obligor debtor.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.150 Trouble File

EMERGENCY

A separate list or file shall be kept as a record of all sales, pertaining to foreclosures, reposessions, death claims on account of credit life insurance and judgments.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.160 Lien Charges

EMERGENCY

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

All official fees paid for the purpose of perfecting or releasing a security interest in property which may be the subject of a sale contract may be collected from the obligor debtor.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.170 Insurance

EMERGENCY

- a) Credit Life, Health and Accident: Licensees and Sellers, at their option, may provide, but not require, decreasing term credit life insurance and credit accident and health insurance and make a charge therefor to the obligor buyer, providing the obligor buyer has indicated in a specific dated and separately signed statement that the coverage is not required by seller and obligor buyer desires the insurance coverage which is included as a charge or paid by the obligor. The licensee shall comply with Article IX-172 of the Illinois Insurance Code (1151 Rev. Stat. 1907, ch. 93, par. 767-51 et seq.) as approved and amended, and all lawfully requirements of the Director of Insurance related thereto.

1) The licensee may provide joint credit life or joint credit accident and health insurance if both insured are obligated for the debt.

2) Charges and Rates: The maximum charge for credit life and credit accident and health insurance shall be as prescribed by the State of Illinois Department of Insurance (459-XII-Adm-Code 951-59).

By Each licensee shall deliver to the Department of Financial Institutions a schedule of the rates to be charged obligors together with copies of policies to be issued, as approved by the Department of Insurance, the terms and conditions of the policies shall be both fair and reasonable.

3) When an account is prepaid in full (except by the insurance) the obligor debtor shall not receive a refund of the unearned credit life, health and accident insurance charges. The required refund shall be computed according to the Rule of 78ths or the Sum of the Digits Method. When the refund of either credit life or credit accident and health premiums is less than \$1.00, no refund is required.

4) If the obligor dies during the term of the transaction, the life insurance, if any, shall pay the benefits due according to the terms of the policy. The obligor's obligors estate or next-of-kin shall be paid the difference amount due if any between the net unpaid balance and the insurance benefit paid. Evidence of this payment shall be maintained by the licensee.

5) For death claims on account of credit life insurance, the licensee shall keep in its office a separate record of accounts by the examiner. The account cards shall indicate the date of



DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

death and the refunds of finance charge and unearned insurance premiums paid to the next-of-kin or estate. The refund check or voucher number shall be available on demand.

b) Property Insurance:

- 1) Insurance against loss or damage to property, or liability arising out of ownership may be required of an obligor by the licensee.
- 2) The amount of insurance shall be only in the amount sufficient to cover the cash price of the item or items being financed.
- c) General:--All insurance provided by a licensee for an obligor must be issued by insurance companies licensed to do business in the State of Illinois and in full compliance with the applicable provisions of the Illinois Insurance Code and the Rules of the Department of Insurance.

- 1) No obligor shall be required to purchase any policy of insurance from any certain company, agent, broker or person as a condition precedent to the extension or renewal of an obligation.
- 2) Insurance for a period less than the full term may be agreed upon between the parties which agreement may be a part of the contract or separate instrument.
- 3) No licensee shall decline new or existing insurance which meets the standards set forth in the law, or nor prevent any obligor from obtaining insurance coverage from other sources.
- 4) If such insurance is included in a transaction by the seller as agent, the licensee shall upon prepayment by the obligor notify the obligor and seller of the possibility of rebate due by reason of such prepayment and the amount of rebate so due.
- 5) It shall be the licensee's responsibility to explain clearly to the obligor the type, cost, benefits and limitations of any insurance requested by licensee after acquisition of the account.
- 6) The licensee shall also deliver or cause to be delivered to the obligor a copy of the policy or policies, certificates, or other evidence thereof acquired by the licensee in connection with the indebtedness.
- d) Credit life and credit accident and health insurance provided by a licensee may be cancelled within 15 days of the date of the loan by written request of all parties to the obligation. In the event of such cancellation, the entire premium cost, if any, shall be refunded to the obligor(s) and such insurance shall then be void from its inception.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.180 Office and Office Hours

EMERGENCY

Every licensee shall maintain a place of business to which the general public shall have free access and where all obligations entered into shall be payable.

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- a) Except as authorized by the Department, each licensed office shall be open not less than three consecutive hours, between 8:00 A.M. and 6:00 P.M. on every business day, except Saturdays, Sundays and legal holidays, during the term of the license, and the licensee shall file with the Department a schedule of the hours during which he or it elects to keep such office open, provided that any licensee may keep his or its office open for any period he or it sees fit, in addition to the hours listed in such schedule.
- b) Whenever a licensee desires to change the schedule of hours during which the his- or its office shall remain open, the licensee then-on file with the Department--he- or it may do so upon filing with the Department a new and schedul setting forth the changes such-change-of-time at least three days before the such change shall go into effect. The schedule of hours shall be prominently displayed in the licensee's place of business of the licensee.
- c) If any payment shall be due on any obligation to such licensee on any closed day, then such payment shall be considered of for all purposes, including the computation of interest or charges, as having been received on any closed day, if such payment shall be received, whether through the mails or otherwise, at any time before the closing of business on the next regular business day following such closed day.
- d) The license of each licensee and the license renewal certificate Annual-Renewal-Certificate shall be prominently displayed and be made available for easy-reading-by-the public in the licensee's place of business of the licensee.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.190 Advertising

EMERGENCY

- a) No licensee shall represent either orally or in writing, directly or indirectly, by any means whatsoever, including but not limited to, the use of any office sign (except its duly issued license) or the use and circulation of any letterheads, billheads, blank forms, notes, receipts, certificates, circulars or any written or printed or-written-or-printed matter whatever that it is licensed by or subject to the supervision of the Department, or the State of Illinois, except by use of the following phrase:

"Licensed by the State of Illinois pursuant to the Sales Finance Agency Act."

Provided, however, that the use or use-and circulation of any written or printed matter containing the foregoing phrase may only be in connection with the licensee's business as a Sales Finance Agency.

- b) The Neither-the licensee, shall not not-any-parent-or-subsidary corporation--or-any-person-holding-a-substantial-common-ownership-or



DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

control of both the seller and the Sales Finance Agency may advertise in a false, misleading or deceptive manner or imply or indicate that the rates or charges for loans or extensions of credit are "approved", "set", or "established" by the State of Illinois or the Department of Government or any enactment.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.200 Business Source and Affiliates

EMERGENCY

The licensee shall maintain in its permanent file the following:

- a) Each licensee shall keep a list of all entities corporations, partnerships, proprietorship and business firms of any sort with which the licensee regularly transacts business as a Sales Finance Agency. The licensee shall maintain a record of the ownership or control by the licensee, or a shareholder, partner, parent corporation, holding company or monetary affiliate of the licensee, of 10% or more, proprietary, stock, beneficial or monetary interest in any retail seller or lender with whom the licensee does business pursuant to the Sales Finance Agency Act.
- b) The name of any person or other entity that has a 10% or greater ownership interest in the licensee. The licensee shall maintain a record of all owners or holders of 10% or more of the stock, beneficial or monetary interest in the licensee where such owner or holder is a parent corporation or affiliate of any retail seller or lender owned, managed, and/or controlled by such owner or holder. Does business with the licensee, selling or conveying to the licensee retail charge agreements, retail contracts or evidence of indebtedness as referred to in the Sales Finance Agency Act. The foregoing may be maintained in either the principal office or each licensed office.
- c) The name of any entity in which the licensee has a 50% or greater ownership interest.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.210 Examination Communications and Remittances

EMERGENCY

- a) All licensees shall address all examination communications to and forward all remittances to DIVISION OF CONSUMER CREDIT, DEPARTMENT OF FINANCIAL INSTITUTIONS, 500 LIES PARK PLACE, SUITE 500, SPRINGFIELD, ILLINOIS 62718 ATTN: REVENUE SECTION 60601.
- b) All fees and charges shall be remitted in the form of a check, draft or money order to the order of "DIRECTOR OF FINANCIAL INSTITUTIONS".

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

Section 160.220 Credit Practices

EMERGENCY

No licensee while collecting or attempting to collect an alleged debt shall engage in any of the following acts:

- a) Using or threatening to use force or violence to cause physical harm to an obligor or debtor, his family or his property.
- b) Threatening arrest or criminal prosecution when no basis for such action lawfully exists.
- c) Threatening the seizure, attachment and sale of an obligor's property when such action can only be taken pursuant to court order unless disclosure is made that prior court proceedings are required.
- d) Disclosing or threatening to disclose information adversely affecting an obligor's reputation for credit worthiness with knowledge or reason to know such information is false.
- e) Threatening to initiate or initiating communication with an obligor's employer unless there has been a default in the payment of the obligation and at least 5 days prior written notice to the last known address of the obligor of the intent to communicate with the employer and except as expressly permitted by statute or court order.
- f) Communicating or threatening to communicate with an obligor or his family with such unreasonable frequency as to constitute harassment, or at times reasonably considered to be unusual hours or known to be inconvenient.
- g) Using profane, obscene or abusive language with an obligor or his family.
- h) Disclosing or threatening to disclose information relating to an obligor's indebtedness to any other person except when such other person has a legitimate business need for the information.
- i) Disclosing or threatening to disclose information concerning the existence of a debt which the licensee knows to be reasonably disputed by the obligor without disclosing the fact that the debt is disputed.
- j) Attempting or threatening to attempt enforcement of a right or remedy with knowledge or reason to know that the right or remedy does not exist.
- k) Use of any form of communication simulating legal or judicial process which gives the appearance of being authorized, issued or approved by a governmental agency, official or attorney at law when it is not.
- l) Use of badge, uniform, or other indicia of any governmental agency or official except as authorized by law.
- m) Misrepresenting the amount of the debt alleged to be owed.
- n) Representing that an alleged debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when there is no contractual or statutory authorization for such addition.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective January 2, 1998, for a maximum of 150 days)

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

effective January 2, 1998, for a maximum of 150 days)

Section 160.230 General

EMERGENCY

- a) The licensee shall keep in the licensed office a record of all transactions purchased from or sold to another affiliated or non-affiliated licensee until examined and released by the examiner.
- b) Notary fees shall not be charged to or collected from the obligor debtor.
- c) No licensee shall take any power of attorney except to cancel any policies of insurance financed by the licensee as permitted by the Act and to receive either rebate of unearned premiums or loss payments, except to acknowledge the execution of an instrument or to contest judgment.
- d) All books, records, files and account cards required by applicable State and Federal statutes and regulations the Sales-Finance Agency Act--the Federal Consumer-Credit-Protection-Act--and the Rules-of-the-Department shall at all times be kept current up-to-date.
- e) No licensee shall transact business licensed under the Sales-Finance Agency Act under any other name or at any other place of business than that named in the license.
- f) 1) The Department may examine all records and investigate any or all transactions in any office of the licensee operating under the Sales-Finance Agency Act, or at any other location where records or instruments of licensee are maintained to determine that the business complies with all applicable laws and regulations and shall charge the licensee \$100.00 for each examiner-man day or portion thereof required to make and complete an examination or investigation of such licensee.
- 2) The examination of the books and records of the licensee may be conducted concurrently with the examination of any other business conducted by the licensee which is regulated or licensed by the Department. A separate charge shall be made for each examiner-man day or portion thereof required to complete each examination as to each regulated or licensed business.
- 3) Should any part of the records or documents be located outside of the geographic boundaries of the State of Illinois, the licensee shall must pay all the expenses of examination by--the representatives of the Department--including--travel--travel--time--meals--and--lodging--for--each--examiner--conducting--said examination--in--addition--to--the--examination--fee--above--specified--
- 9) Licensees and those--otherwise--regulated--by--the--Sales-Finance-Agency Act shall file with the Department such written reports as the Department may from time to time consider necessary to the proper administration of the Sales-Finance Agency Act.
- h) No licensee shall knowingly purchase contracts from one who does either of the following:

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

- 1) In the course of the seller's business, employs a chain referral sales technique prohibited by Section 2-A of the Consumer Fraud and Deceptive Business Practices Act (4111-Rev. Stat--1991-Ch-191-1/2-Part-261-et-seq-1,
- 2) Uses a contract a security instrument or other document which is not in conformance with the provisions of the Retail Installment Sales Act, Motor Vehicle Retail Installment Sales Act, the Federal Consumer Protection Act and all other applicable State related--Illinois--and Federal Statutes and regulations where the same are applicable.
- i) Whenever a licensee changes his place of business to a location other than that set forth in his license and the new location is in the same county he shall submit his license to the Department for change of address ten (10) days before he intends to occupy new quarters. The relocation removal fee of \$50.00 9/5/99 shall accompany the license. If the new location relocation is not within the same county, the licensee shall follow the same procedure as stated above, a new license must be obtained--the application and fee for which--shall--be as provided--in--Section--5--of--the--Sales-Finance-Agency-Act--
- j) Except as provided herein and as contained in the Sales-Finance Agency Act, the licensee may not charge the obligor debtor a loan fee, points, finders fee, service fee, transaction fee, activity fee, appraisal fee, investigation fee, credit report form or any such similar charge or fee.
- k) Each licensed office shall have on file or accessible for reference current copies of the Sales-Finance Agency Act, the Rules of this Department--pertaining--to--said--Act--the--Motor--Vehicle--Retail--Installment--Sales--Act--the--Retail--Installment--Sales--Act--and--all Federal Laws and Regulations pertaining to the Federal Consumer-Credit Protection Act--applicable to the conduct of business by the licensee--
- 1) When a licensee owns a substantial interest in the business of a retail seller from whom such licensee purchases a contract, agreement or other evidence of indebtedness such document shall clearly reflect such relationship in the following language:

"The retail buyer hereunder has been informed by the retail seller that his contract will be sold and assigned by the retail seller to, (a) licensed Sales Finance Agency) and that the said Sales Finance Agency has a substantial interest in the business of the retail seller and that pursuant to law the retail buyer may assert all defenses equally against the retail seller and said Sales Finance Agency."
- 2) The foregoing legend shall be printed, typed or otherwise placed on the sales contract, agreement or other evidence of indebtedness, in a size and style equal to 8 point bold type.

m) Pursuant to Section 9-1 of the Sales-Finance Agency Act--request for--a

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

hearing subsequent to an order of denial of a licensee shall be accompanied by a surety in which the applicant shall be the obligor in the amount of \$500 guaranteeing payment of costs of such hearing. This amount may be in the form of a bond, deposit in cash, or certified check payable to the Director of the Department of Financial Institutions and shall be returned to the petitioner on proof of payment of costs. If costs are not paid within 20 days of the conclusion of the hearing, the Director may authorize their payment from the surety returning any balance to the petitioner.

n) No licensee shall discriminate against an applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.

l) All notices by the Department required under the Act of this Part shall be deemed to be served when a copy is deposited in the United States mail.

m) All applications, forms, any other document required to be filed or submitted under the Act of this Part shall be verified as to their truth and accuracy.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 1564.3, effective January 2, 1998, for a maximum of 150 days)

Section 160.240 Hearing Procedures  
EMERGENCY

a) Hearings  
After receipt of a written request for a hearing, the Director shall send a Notice of Hearing to the respondent requesting the hearing at least ten (10) days prior to the date set for such hearing by certified mail, of the date, the time and place of a hearing to review the propriety of any administrative actions made pursuant to the Act. The Director may designate in writing, a Hearing Officer who shall have the authority to:

1) Examine or permit examination of any witness under oath;

2) Determine the order of appearance of all parties;

3) Receive all evidence and testimony and rule on its admissibility as well as require the production of any relevant document or witness.

4) Rule on objections to evidence;

5) Make a written report with recommendations to the Director which shall include findings of fact and conclusions of law. Findings of fact shall be based exclusively on the evidence and on matters officially noticed; and

6) Require any party or his attorney to provide proposed findings of fact or conclusions of law for consideration in his report.

c) General Provisions

1) Delivery of notice shall be deemed complete when the Notice is deposited in the U.S. mail.

2) A continuance shall be granted for good cause by the Hearing

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

Officer which shall be:

A) In writing and signed by the respondent or his attorney and shall state the reasons for the request.

B) Delivered to the Hearing Officer at least three days prior to the scheduled hearing.

For the purposes of this subsection (c)(2), good cause shall require the respondent to demonstrate real and compelling need for additional time. It shall include, but not be limited to, illness, service in the armed forces, etc.

3) The respondent shall bear any and all costs of the hearing.

4) A court reporter will be present and considered as part of the costs of the hearing.

d) Conduct of Hearings

1) The Hearing Officer shall open the hearing by presenting for the record his letter of authorization from the Director.

2) The rules of evidence and privilege as applied in civil cases in the circuit courts of this state shall be followed. The Hearing Officer may admit evidence not admissible under such rules if such evidence may be relevant to the case.

3) The Hearing Officer may, on his own motion or the motion of one of the parties, take notice of matters of which the circuit courts of this state may take judicial notice. Notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge if parties are notified, before or during the hearing, and shall be afforded an opportunity to contest the material so noticed. The burden of opposing any material admitted upon notice shall be upon the party so opposing.

4) Failure to attend the hearing shall result in the dismissal of the respondent's petition and an entry of a default against the respondent. Within thirty (30) days from dismissal of the respondent's petition, the respondent may petition the Hearing Officer for reconsideration if the respondent can establish that his failure to attend was caused by events beyond his control and he exercised due diligence to attend or seek a continuance.

5) The record of any hearing shall include:

A) All pleadings, and evidence received whether admitted or excluded;

B) A statement of all matters officially noticed;

C) All offers of proof, objections and rulings thereon;

D) All proposed findings and exceptions;

E) Any decision, opinion, or report by the Hearing Officer;

F) Any evidence excluded by the Hearing Officer, even though such evidence is not used in the determination of the decision;

G) A proceeding transcript which shall be recorded by such means as to adequately ensure the preservation of the testimony.

6) Within sixty days of the hearing, or the receipt of all necessary

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

documents, the Hearing Officer shall report to the Director.  
7) Within thirty days after receiving the report of the Hearing Officer, the Director shall issue his decision, which shall be served on the respondent by registered or certified mail, return receipt requested. Copies of the Hearing Officer's report to the Director are available upon written request.

e) Petition to Reconsider

1) Within thirty days after receipt of the Director's decision, the respondent may petition the Director for reconsideration based upon a verified petition. An affidavit shall accompany the petition stating that the decision was against the preponderance of the evidence, was contrary to law, or was arbitrary or capricious, or is affected by newly discovered evidence not in existence at the time of the initial hearing or which could not have been discovered using due diligence at that time.

2) The Director shall determine within fifteen days whether to reconsider the case. If the Director determines, after reading the affidavit, that one or more of the findings listed in subsection (e)(1) exists a hearing may be held and shall be limited to only those issues raised in the petition to reconsider. If reconsideration is denied, the Director's initial decision shall be the final administrative decision of the Department.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 1543, effective January 2, 1998)

Section 160.250 Servicing of ContractsEMERGENCY

Upon prior approval of the Director, the licensee may contract for servicing of accounts. This request shall be in writing and include the following:

- Name and address of proposed servicer
- Executed contract between licensee and servicer
- Contact person and telephone number of the servicer
- The licensee shall make all books, records and account information readily available for examination by the Department
- The licensee shall pay all examination expenses
- Written consent of servicer for the Department to conduct its examination.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 1543, effective January 2, 1998, for a maximum of 150 days)

Section 160.260 Off-site RecordsEMERGENCY

Upon prior written approval of the Director a licensee may retain records at a location other than the licensed facility. This request shall be in writing

DEPARTMENT OF FINANCIAL INSTITUTIONS  
NOTICE OF EMERGENCY AMENDMENTS

and include the following:

- Address of proposed off-site location.
- Contact person and telephone number at the proposed off-site location.
- Statement that all books, records and account information will be made available within seventy-two (72) hours of the Department's request at either the licensed facility or the off-site location.
- At the Director's discretion, an examination may be conducted at either the licensed facility or the off-site facility.
- The licensee shall pay for all examination expenses.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 1543, effective January 2, 1998)



## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Licensing of Radon Detection and Mitigation Services
- 2) Code Citation: 32 Ill. Adm. Code 422

3) Section Number:

- 422.30 New Section  
 422.40 New Section  
 422.50 New Section  
 422.60 New Section  
 422.70 New Section  
 422.80 New Section

- 5) Effective Date of Rules: January 1, 1998

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: These emergency rules are to expire when the proposed rules are adopted.

- 7) Date Filed in Agency's Principal Office: December 23, 1997

- 8) Reason for Emergency: The Radon Industry Licensing Act, P.A. 90-262, effective July 30, 1997, provides that beginning January 1, 1998, no person shall sell a device or perform a service for compensation to detect the presence of radon or radon progeny, perform laboratory analysis, or perform a service to reduce the presence of radon or radon progeny in the indoor atmosphere unless the person has been licensed by the Department. The legislature has determined that persons engaged in the business of detecting the presence of radon or radon progeny in dwellings and reducing the presence of radon or radon progeny in the indoor atmosphere is a practice affecting the public health, safety and welfare. Emergency rules are necessary to assure that those individuals who are currently registered with the Department and are authorized to perform radon detection and mitigation services will be able to continue to operate these services prior to the deadline established by law.

- 9) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency rulemaking to implement statutory requirements under P.A. 90-262. This rule establishes the mechanism by which individuals who are currently registered by the Department to provide radon detection or mitigation services may apply for licensure by providing evidence to the Department of experience and education as provided in these rules.

The Department's action should not be understood as a desire to limit or preclude public comment. In fact, the Department provided an Advanced Notice of Rulemaking and Request for Comment from the regulated community and is in the process of analyzing these comments for inclusion into the general rulemaking. The Department will be proposing shortly, for public

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

comment, a general rulemaking that covers the topics included in this emergency rule.

- 10) Are there any other proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: The requirements imposed by the emergency rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Information and questions regarding this emergency rule shall be directed to:

Thomas J. Carlisle  
 Senior Staff Attorney  
 Department of Nuclear Safety  
 1035 Outer Park Drive  
 Springfield, IL 62704  
 (217) 785-9884 (voice)  
 (217) 782-6133 (TDD)

The full text of the emergency rules begin on the next page:



DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF EMERGENCY RULES

TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER B: RADIATION PROTECTION

PART 422

LICENSING OF RADON DETECTION AND MITIGATION SERVICES

Section	
422.30	Exemptions from Licensure
EMERGENCY	
422.40	Application for Licensure Without Examination (Grandfather)
EMERGENCY	
422.50	Issuance of Initial or Provisional License
EMERGENCY	
422.60	Fees
EMERGENCY	
422.70	Suspension and Revocation of Licensure
EMERGENCY	
422.80	Civil Penalties
EMERGENCY	

AUTHORITY: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44] (see P.A. 90-262, effective July 30, 1997).

SOURCE: Emergency rule adopted at 22 Ill. Reg. 4566, effective January 1, 1998, for a maximum of 150 days.

Section 422.30 Exemptions from Licensure

EMERGENCY

The Department of Nuclear Safety (Department) shall, upon application therefor, or upon its own initiative, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing requirements of this Part.

- An individual, business entity, or government entity performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases.
- An individual, business entity, or government entity temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority which is recognized by this State under principles of mutual reciprocity.
- Persons who sell, distribute, or manufacture radon sampling devices so long as these entities do not also perform the service of placing radon sampling devices on the premises of a dwelling or provide radon device analytical services.
- Persons who do not perform radon measurements or mitigation, but who

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF EMERGENCY RULES

are employed for the purpose of disseminating beneficial information to the public for agencies that the United States Environmental Protection Agency (USEPA) considers to be partners in providing accurate radon information to the public, such as the American Lung Association, the National Safety Council, and the National Association of City and County Governments.

AGENCY NOTE: Examples of exemptions could include an industrial hygienist who performs radon tests at his employer's facilities in the course of his normal employment or State and local public health officials who perform radon screening services without charge to the recipient of the service.

Section 422.40 Application for Licensure Without Examination (Grandfather)  
EMERGENCY

- Applicants who are currently registered on January 1, 1998, meeting all the requirements of registration by the Department in accordance with 32 Ill. Adm. Code 420-50, may be issued a license without submitting an application and passing an examination.
- Individuals or persons not registered by the Department on January 1, 1998, shall submit a complete legible application form, pay the fee prescribed in Section 422.60 of this Part, and provide documentation that he or she has met the requirements for licensure. Such documentation shall include diplomas, transcripts, certificates of completion and work history, as appropriate.
- The appropriate fee shall accompany the application when filed with the Department. An application shall be deemed filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service.

Section 422.50 Issuance of Initial or Provisional License  
EMERGENCY

- Beginning January 1, 1998, any individual who is currently registered by the Department or who meets the requirements in 32 Ill. Adm. Code 420.50 shall be issued an initial or provisional license from the Department to perform radon detection services. Such license shall expire May 31, 1998.
- Beginning January 1, 1998, any individual or business currently performing laboratory analysis or mitigation services meeting the standards specified in the voluntary federal USEPA Radon Proficiency Program, Mitigation Service Providers shall be issued an initial or provisional license. Such license shall expire May 31, 1998.
- During the initial period and prior to May 31, 1998, any person applying for initial licensure or renewal of registration to perform measurements in accordance with subsection (a) of this Section shall:
  - submit a complete and legible application form as provided by the Department;
  - pay the appropriate fee as prescribed in Section 422.60 of this

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

- Part;
- 3) provide documentation that he or she has met the requirements for initial licensure or renewal of licensure. Such documentation shall include diplomas, transcripts, certificates of completion and work history, as appropriate;
  - 4) verify that the applicant has:
    - A) at least 4 years of radiological safety, health physics, environmental sampling, or industrial hygiene experience;
    - B) an Associate degree in a physical or biological science and 2 years of radiological safety, health physics, environmental sampling, or industrial hygiene experience;
    - C) a Baccalaureate degree in a physical or biological science or engineering; or
    - D) successfully completed a course that covers the following topics:
      - i) Radon Health Effects and Health Risks;
      - ii) Radon Sources;
      - iii) Radon Entry Points and Transport Pathways;
      - iv) Screening Measurement Techniques and Devices;
      - v) Followup Measurement Techniques and Devices;
      - vi) Diagnostic Measurement Techniques and Devices;
      - vii) Quality Assurance;
      - viii) Worker Health and Safety; and
      - ix) Documentation.

AGENCY NOTE: Each of the following courses covers the topics identified in subsection (c)(4)(D) of this Section: United States EPA Radon Contractor Proficiency Program, as described in the "EPA Radon Contractor Proficiency Program," issued September 7, 1990. United States EPA National Radon Measurement Proficiency Program, as described in "The National Radon Measurement Proficiency (RMP) Program, Application and Participation Manual," EPA document #52011-88-056 (December 1988).

The Illinois Department of Nuclear Safety Measurement Course.

- Copies of the two United States EPA documents are available from the Department.
- d) Any person other than an individual (e.g., a partnership, firm or company) who employs at least one individual, licensed in accordance with subsection (c) of this Section, shall certify that the licensed individual will direct and be responsible for all radon testing activities undertaken by the person and shall further certify that the licensed individual will personally review and approve all test results before they are disclosed to the client.
  - e) The Department shall deny a license to any person if the Department has evidence that the applicant has engaged in any of the acts listed in Section 422.70 of this Part unless the condition listed in Section

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

- 422.70 of this Part no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.70.
- f) The Department shall refuse to issue or renew licensure to any individual, after the opportunity for a hearing, if the Department has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS 2005/71.
  - g) The Department shall refuse to issue or renew licensure to any individual, after an opportunity for a hearing, if the Department has evidence that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65.

Section 422.60 Fees  
EMERGENCY

- a) The fees for licensure in all categories shall be non-refundable and shall be as follows:
  - 1) Initial/Provisional license - Individual \$100
  - 2) Initial/Provisional license - Person Other Than Individual \$ 25
- b) The appropriate fees are to accompany the application when filed with the Department.

Section 422.70 Suspension and Revocation of Licensure  
EMERGENCY

- a) The Department may act to suspend or revoke a person's license for any one or a combination of the following causes:
  - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for licensure, if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for licensure under this Part, such as a misstatement or misrepresentation regarding training or experience;
  - 2) Willfully evading the statute or regulations pertaining to licensure, or willfully aiding another person in evading such statute or regulations pertaining to licensure;
  - 3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
  - 4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

- 5) Failing to repay an educational loan guaranteed by the Illinois Student Assistance Commission as provided in 20 ILCS 2005/71; and
- 6) Failing to meet child support orders as provided in 5 ILCS 100/10-65.
- b) If, based upon any of the grounds in subsection (a) of this Section, action to suspend or revoke licensure is initiated, the Department shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke a person's license.
- c) The usual action shall be a suspension of licensure for up to 3 months. The term of suspension shall be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, and the Director concurs, that the violations leading to the Preliminary Order for Suspension can be cured in less than 3 months. However, if the Department finds that the causes are of a serious or continuing nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within 3 months or frequent child support arrearages, the Department shall revoke the person's license.
- d) When a person's license is suspended or revoked, the person shall surrender the license to the Department.
- e) A person whose license has been revoked may seek reinstatement of the license by filing with the Department a petition for reinstatement. Such petition may be filed after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation.

## Section 422.80 Civil Penalties

## EMERGENCY

- a) The Department shall assess civil penalties, in accordance with subsection (c) of this Section, against any unlicensed person who sells a device or performs a service, for compensation, for determining the presence of radon or radon progeny, unless such person is exempt from the licensing requirements as specified in Section 422.30 of this Part.
- b) Prior to assessing civil penalties, the Department shall confirm the violation of the licensing requirements by:
  - 1) observation of the violation by a Departmental employee;
  - 2) obtaining records, documents, or other physical evidence; or
  - 3) obtaining signed, written statements from persons that allege a violation has occurred.
- c) Civil penalties as provided in subsection (a) of this Section shall be assessed as follows:
  - 1) First violation by an unlicensed

## DEPARTMENT OF NUCLEAR SAFETY

## NOTICE OF EMERGENCY RULES

- 2) Individual or person
- 3) Subsequent violation by an unlicensed person
- 4) Failure of a licensed individual to direct and supervise radon testing activities of the unlicensed employee of a licensed business or to review and approve test results prepared by an unlicensed employee prior to sending them to the client
- 5) Failure of a licensed person (business) to supervise its unlicensed employees
- 6) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day a violation occurs shall constitute a separate offense.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers:  
Emergency Action:  
120.11 Amendment  
120.31 Amendment  
120.64 Amendment  
120.73 Amendment  
120.75 Amendment  
120.80 Amendment  
120.381 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date: January 5, 1998
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 5, 1998

8) Reason for Emergency: These emergency amendments to Part 120 are necessary to implement mandatory coverage under Medicaid as required by the Federal Balanced Budget Act of 1997, and to provide for increases in the MANG(P) income standards as allowed under the Budget Act. The Department will cover the Medicare Part B premium for eligible clients meeting specified income level requirements, and will make a monthly payment for eligible clients meeting other specified income requirements. The increases in the MANG(P) income standards are intended to benefit pregnant women and children under age 19. Immediate implementation of these emergency amendments is necessary to protect the health and welfare of public assistance recipients affected by these provisions.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments to Sections 120.11, 120.31, 120.64, 120.380 and 120.381 provide for increases, which are allowed under the Federal Balanced Budget Act of 1997, in the MANG(P) income standards for pregnant women and children under age 19. For pregnant women and for infants born to Medicaid eligible pregnant women, the MANG(P) income standard is being increased from 133 percent to 200 percent of the current federal poverty level (FPL). For children ages six through 18, the MANG(P) income standard is being increased to 133 percent of the FPL. These changes in the MANG(P) income standards are expected to result in an annual increase in Department expenditures of \$50 million. The emergency amendments to Sections 120.73 and 120.75 are necessary to implement mandatory coverage

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

under Medicaid as required by the Federal Balanced Budget Act of 1997. Beginning January 1998, the Department will pay the Medicare Part B premium for those persons who meet existing eligibility requirements and have incomes of at least 120 percent of the federal poverty level (FPL), but less than 135 percent of the FPL. For persons with incomes of at least 135 percent of the FPL, but less than 175 percent of the FPL, the Department will make a monthly payment that is based on a federal formula described in the Social Security Act (U.S.C. 1305(p)(3)(A)(iii)). These new provisions to Part 120 will be funded by a federal allotment. Therefore, it is expected that these emergency amendments will not result in any budgetary changes for the Department.

10) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
120.60 Amendment	January 2, 1998	(22 Ill. Reg. 132)
120.80 Amendment	January 2, 1998	(22 Ill. Reg. 132)
120.384 Amendment	January 2, 1998	(22 Ill. Reg. 132)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
Telephone: (217) 524-0081

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 ~~WANG(P) Eligibility - Birthright~~ For Medical Assistance for  
EMERGENCY Pregnant Women and for Children Under Age 19 ~~Born-October-17-1983~~ or  
Later Who Do Not Qualify As Mandatory Categorically Needy ~~(WANG(P)~~  
Program)  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant  
Women  
120.20 WANG(AABD) Income Standard  
120.30 WANG(C) Income Standard  
120.31 WANG(P) Income Standard  
EMERGENCY  
120.40 Exceptions To Use Of WANG Income Standard  
120.50 AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD,  
DMHDD Approved Community Based Settings and Pregnant Women and  
Children Born October 1, 1983, or Later Who Do Not Qualify As  
Mandatory Categorically Needy  
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD -  
WANG(AABD) and All Other Licensed Medical Facilities  
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings Under 89 Ill.  
Adm. Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)  
Approved Home and Community Based Residential Settings  
120.64 WANG(P) Cases for Pregnant Women and Children Under Age 19  
EMERGENCY ~~Born-October-17-1983~~ or ~~Later~~  
Categorically Needy ~~(WANG(P)-Program)~~  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)  
Licensed Community - Integrated Living Arrangements

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare  
Beneficiary (QMB)  
120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a  
EMERGENCY Specified Low-Income Medicare Beneficiary (SLIMB)  
120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards  
EMERGENCY Standard  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination of Aid to the Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.215 Relationship (Repealed)  
120.216 Living Arrangement (Repealed)  
120.217 Supplemental Payments (Repealed)  
120.218 Institutional Status (Repealed)  
120.224 Foster Care Program (Repealed)  
120.225 Social Security Numbers (Repealed)  
120.230 Unearned Income (Repealed)  
120.235 Exempt Unearned Income (Repealed)  
120.236 Education Benefits (Repealed)  
120.240 Earned Income In-Kind (Repealed)  
120.245 Earnmarked Income (Repealed)  
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)  
120.261 Budgeting Earned Income (Repealed)  
120.262 Exempt Earned Income (Repealed)



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

120-270	Recognized Employment Expenses (Repealed)
120-271	Income From Work/Study/Training Program (Repealed)
120-272	Earned Income From Self-Employment (Repealed)
120-273	Earned Income From Roomer and Boarder (Repealed)
120-275	Earned Income In-Kind (Repealed)
120-276	Payments from the Illinois Department of Children and Family Services (Repealed)
120-280	Assets (Repealed)
120-281	Exempt Assets (Repealed)
120-282	Asset Disregards (Repealed)
120-283	Deferral of Consideration of Assets (Repealed)
120-284	Spent-down of Assets (AMI) (Repealed)
120-285	Property Transfers (Repealed)
120-286	Persons Who May Be Included in the Assistance Unit (Repealed)
120-290	Payment Levels for AMI (Repealed)
120-295	
SUBPART H: MEDICAL ASSISTANCE - NO GRANT	
Section	
120-308	Client Cooperation
120-309	Caretaker Relative
120-310	Citizenship
120-311	Residence
120-312	Age
120-313	Blind
120-314	Disabled
120-315	Relationship
120-316	Living Arrangements
120-317	Supplemental Payments
120-318	Institutional Status
120-319	Assignment of Rights to Medical Support and Collection of Payment
120-320	Cooperation in Establishing Paternity and Obtaining Medical Support
120-321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120-322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120-323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120-324	Health Insurance Premium Payment (HIPP) Program
120-325	Health Insurance Premium Payment (HIPP) Pilot Program
120-326	Foster Care Program
120-327	Social Security Numbers
120-328	Unearned Income
120-329	Budgeting Unearned Income
120-330	Exempt Unearned Income
120-331	Education Benefits
120-332	Incentive Allowance
120-333	Unearned Income In-Kind

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

120-342	Court Ordered Child Support Payments of Parent/Step-Parent
120-345	Earmarked Income
120-346	Medicaid Qualifying Trusts
120-347	Treatment of Trusts
120-350	Lump Sum Payments and Income Tax Refunds
120-355	Protected Income
120-360	Earned Income
120-361	Budgeting Earned Income
120-362	Exempt Earned Income
120-363	Earned Income Disregard - MANG(C)
120-364	Earned Income Exemption
120-366	Exclusion From Earned Income Exemption
120-370	Recognized Employment Expenses
120-371	Income From Work/Study/Training Programs
120-372	Income From Self-Employment
120-373	Earned Income From Roomer and Boarder
120-375	Earned Income In Kind
120-376	Payments from the Illinois Department of Children and Family Services
120-379	Provisions for the Prevention of Spousal Impoverishment
120-380	Assets
EMERGENCY	
120-381	Exempt Assets
EMERGENCY	
120-382	Asset Disregard
120-383	Deferral of Consideration of Assets
120-384	Spent-down of Assets (MANG)
120-385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
120-386	Property Transfers Occurring On or Before August 10, 1993
120-387	Property Transfers Occurring On or After August 11, 1993
120-390	Persons Who May Be Included In the Assistance Unit
120-391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-WANG and Children Born October 1, 1983, or Later (MANG(P) Program)
120-392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-WANG if The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy (MANG(P) Program)
120-393	Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120-395	Payment Levels for WANG (Repealed)
120-399	Redetermination of Eligibility
TABLE A	Value of a Life Estate and Remainder Interest
TABLE B	Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, P. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, P. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, P. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, P. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, P. 36, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, P. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 18, P. 32, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 35, P. 399, effective August 18, 1979; amended at 3 Ill. Reg. 35, P. 415, effective August 19, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, P. 321, effective September 27, 1979; amended at 3 Ill. Reg. 40, P. 149, effective October 6, 1979; amended at 3 Ill. Reg. 46, P. 36, effective November 2, 1979; amended at 4 Ill. Reg. 47, P. 96, effective November 13, 1979; amended at 4 Ill. Reg. 48, P. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, P. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, P. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, P. 551, effective March 10, 1980; amended at 4 Ill. Reg. 7, P. 381, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, P. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, P. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, P. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, P. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 119, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8031, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10110, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10274, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982;

amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 9256, effective July 1, 1983; amended at 7 Ill. Reg. 9264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 1, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12459, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 25, 1988; amended at 12 Ill. Reg. 9672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11939, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13413, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20189, effective November 23, 1988; amended at 13 Ill. Reg. 1, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 20, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 21, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 594, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 1, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13638, effective January 5, 1998, for a maximum of 150 days.

## SUBPART B: ASSISTANCE STANDARDS

Section 120.11 MANG(P) Eligibility--~~Eligibility~~ for Medical Assistance for Pregnant Women and for Children Under Age 19 Born October 1, 1989--or--later Who Do Not Qualify As Mandatory Categorically Needy (MANG(P)-Program)

- a) Pregnant Women Eligible for MANG(P) who do not qualify as Mandatory Categorically Needy (MANG(P)-Program)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy (Social Security Act (U.S.C. 1902 (a)(10)(A)(i) and 1905(n)) who meets the following eligibility requirements:
    - A) cooperation in establishing eligibility as described in Section 120.308;
    - B) residency as described in Section 120.311; and
    - C) whose countable monthly income does not exceed the MANG(P) Income Standard (see Section 120.31).
  - 2) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 days medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under subsection (a)(1) of this Section including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.
  - 3) When a pregnant woman is determined eligible for medical assistance under (a)(1) of this Section, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.
- b) Children Under Age 19 Eligible for MANG(P) Born October 1, 1989, or later--who do not qualify as Mandatory--Categorically--Needy--(MANG(P)-Program)
- 1) Eligibility for medical assistance exists for children under age 19 born October 1, 1989, or later, who do not qualify as mandatory categorically needy (Social Security Act (U.S.C. 1902 (a)(10)(A)(i) and 1905(n)) who meet the following eligibility requirements:
    - A) cooperation in establishing eligibility as described in Section 120.308;
    - B) citizenship/alliance status as described in 120.310;
    - C) residency as described in Section 120.311; and
    - D) whose countable monthly income exceeds the MANG(C) or MANG(AABD) income standards (Sections 120.20 and 120.30) but does not exceed the MANG(P) income standard (see Section 120.31).
  - 2) Children under age 19 born October 1, 1989, or later, shall be eligible to receive medical assistance under subsection (b)(1) of this Section:
    - A) from the date of birth through age 18 1/2; or
    - B) through age 18 1/2 if an application is approved for medical assistance; or
    - C) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.
  - 3) When the Department becomes aware of the birth of a child or children to a woman determined eligible under subsection (a)(1)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

of this Section, the child shall be deemed to have applied for medical assistance under subsection (b)(1) of this Section, without written request. The child or children shall be eligible to receive medical assistance for the same period of time the mother is receiving medical assistance for medical assistance under subsection (a) of this Section, the infant retains eligibility for medical assistance until:

- a) up to age one year;
  - b) through age 18 if an application is approved for medical assistance;
  - c) countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first; or
  - d) if an application is later approved for financial assistance, the child is ineligible for medical assistance under this subsection (b).
- 5) When a child is determined eligible for medical assistance under this subsection (b) and there is a change in income which causes countable monthly income to exceed the MANG(P) income standard (see Section 120.31), the child is ineligible for medical assistance under this subsection (b). Countable income must then be compared to the MANG(C) or MANG(AAB) income standard (see Section 120.20, 120.30) to determine the spend-down amount, if any.

(Source: Emergency amendment at 22 Ill. Reg. \_\_\_\_\_, effective January 5, 1998, for a maximum of 150 days)

## Section 120.31 MANG(P) Income Standard

EMERGENCY

a) MANG(P) is available to pregnant women and to children under age 19 born-October-1993--or-later who do not qualify as mandatory categorically needy Social Security Act (U.S.C. 1902(a)(10)(A)(i) and 1905(n)) whose non-exempt countable income does not exceed the MANG(P) income standard. The MANG(P) income standard shall be 139% of the current Federal Poverty Level income guidelines, as published annually in the Federal Register, for children under age five--(5y)--The MANG(P) income standard shall be 108% of the current Federal Poverty Level income guidelines, as published annually in the Federal Register, for children born-October-1993--or-later--who--are--older--than--age five--(5y). If the household's countable monthly income exceeds the appropriate MANG(P) standards standard, eligibility for MANG(P) does not exist. The MANG(P) income standard, as follows:

- 1) The MANG(P) income standard shall be 200 percent of the current Federal Poverty Level income guidelines, as published annually in the Federal Register, for pregnant women and for infants born to Medicaid eligible pregnant women.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 2) The MANG(P) income standard shall be 133 percent of the current Federal Poverty Level income guidelines, as published annually in the Federal Register, for infants born to non-Medicaid eligible pregnant women and for children under age 19.
- b) MANG(P) is available for a pregnant woman, of any age, whose countable monthly income for the household does not exceed the MANG(P) income standard. If the pregnant woman is married and her spouse lives with her or if she has dependent children--born-before-October-1993, her pregnancy does not make her spouse and/or--dependent--children--born-before-October-1993--or--older eligible for MANG(P). The pregnant woman and her spouse's income are combined and compared to the MANG(P) standard for the number of persons in the family even though only the pregnant woman is eligible to receive MANG(P). An unborn child is counted as a family member.
- c) MANG(P) is available for children under age 19 born-October-1993--or-later whose countable monthly income for the household does not exceed the appropriate MANG(P) income standard.
- d) When financial eligibility for MANG(P) is being determined for a child under age 19, born-October-1993--or-later the household's income is combined and compared to the MANG(P) income standard for the family size, including unborn children.
- e) When financial eligibility for MANG(P) is being determined for a pregnant woman who meets the requirements for MANG(P), income is considered in the following manner:

- 1) Income is considered for the month of application. When eligibility exists for the month of application, MANG(P) coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.

2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, MANG(P) coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.

- 3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.

4) When determining income eligibility for a backdated month (up to three months before the month of application), the client is eligible for medical coverage beginning with the month income is at or below the MANG(P) income standard income standard. Income changes occurring after the month of authorization are not considered through the 60 day period following the last day of pregnancy.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

(Source: Emergency amendment at 22 Ill. Reg. 1516, effective January 5, 1998, for a maximum of 150 days)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

**Section 120.64 MANG(P) Cases for Pregnant Women and Children Under Age 19 Born October-17-1963-or-later Who Do Not Qualify As Mandatory Categorically Needy**  
**EMERGENCY**

- a) The following subsections apply to MANG(P) clients. The eligibility period for a MANG(P) client shall begin with:
  - 1) the first day of the month of application; or
  - 2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application; or
  - 3) the first day of the month after the month of application; or
  - 4) the first day of a month a pregnant woman and/or child under age 19 born-October-17-1963-or-later meets the requirements of Sections 120.11 and 120.31.
- b) The pregnant woman shall be eligible to receive medical assistance until sixty-four days following the last day of pregnancy. The sixty-four day medical coverage continues through the last day of the calendar month in which the sixty-four day period ends. The sixty-four day medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under Section 120.11(a)(1) above including pregnant women who are no longer pregnant at the time of application because the woman had a miscarriage or an abortion or signed an adoption agreement.
- c) Children shall be eligible to receive medical assistance:
  - 1) from the date of birth of October-17-1963-or-later-for up to and including age nineteen-four; or
  - 2) up to and including age nineteen-four if an application is approved for medical assistance; or
  - 3) until countable monthly income exceeds the MANG(P) income standard (see Section 120.31), whichever comes first.
- d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).
- e) A redetermination of eligibility for MANG(P) will be made every twelve months for children under age 19 born-October-17-1963-or-later.
- f) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for MANG(P). If changes in income or family composition occur which would make the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day post-partum period following the last day of pregnancy.

- g) MANG(P) clients shall be eligible without a spend-down obligation amount.
- h) A review of case eligibility for MANG(C) will be conducted for a pregnant woman and continued MANG(P) eligibility for the newborn child will be conducted during the second month of the sixty-four day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.
- i) A review of case eligibility for TANF MANG(C) will be conducted when a child is determined ineligible for TANF MANG(P). If the child is eligible for TANF MANG(C), the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.

(Source: Emergency amendment at 22 Ill. Reg. 1516, effective January 5, 1998, for a maximum of 150 days)

## SUBPART D: MEDICAID PREMIUMS

**Section 120.73 Eligibility for Medical Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)**  
**EMERGENCY**

- a) Eligibility for Medicaid payment of Medicare Part B premiums exists for Specified Low-Income Medicare Beneficiaries (SLIBs). A SLIB is an individual who:
  - 1) is a beneficiary of Medicare Part A (i.e., Hospital Insurance);
  - 2) meets the general non-financial factors of eligibility for the Medicaid Program (see Sections 120.310, 120.311, 120.319 and 120.325);
  - 3) has countable monthly income which exceeds the Qualified Medicare Beneficiary (QMB) income standard (see Section 120.74), but is less than or equal to the SLIB income standard (see Section 120.75); and
  - 4) has countable assets which do not exceed the QMB asset disregard (see Section 120.382(d)).
- b) When considering Social Security Benefits, the monthly amount to consider for January through the month following the month in which the annual Federal Poverty Level (FPL) amounts are announced will not include the annual Retirement Survivors Disability Insurance (RSDI) Cost of Living Adjustment (COLA). For all other months of the year



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

the full amount of BSDI benefits will be considered.

- c) SIBs with incomes from 100 percent of the FPL up to 120 percent of the FPL may be eligible for the full range of Medicaid services (see 89 Ill. Adm. Code 140) only if they meet all eligibility requirements for Medicaid (see 89 Ill. Adm. Code 120).
- d) Individuals with incomes of at least 120 percent of the FPL but less than 175 percent of the FPL who receive Medicaid benefits are not eligible for the benefits described in subsection (d) of this Section.
- e) Individuals with incomes from 100 percent of the FPL up to 135 percent of the FPL are eligible for Medicaid payment of Part B premiums (see title XVII of the Social Security Act), in accordance with Sections 120.70 and 89 Ill. Adm. Code 140.21. Individuals with incomes from 135 percent of the FPL up to 175 percent of the FPL are not eligible for Medicaid payment of Part B Medicare premiums. These persons are only eligible for a monthly payment that is for the portion of Medicare cost sharing described in the Social Security Act (U.S.C. 1605(d)(3)(B)(i)).

(Source: Emergency amendment at 22 Ill. Reg. \_\_\_\_\_, effective January 5, 1998, for a maximum of 150 days)

### Section 120.75 Specified Low-Income Medicare Beneficiary (SILB) Income Standards EMERGENCY

The SILB income standards are standard-is equal to a percentage of the then current Federal Poverty Level income Guidelines as published annually in the Federal Register for the size of the household. If the household's countable monthly income (see 89 Ill. Adm. Code 112, 113, 120) exceeds the appropriate SILB income standard, eligibility for SILB status does not exist. The applicable percentages are percentage-as follows:

- a) Effective January 5, 1998, at least 100 percent of the FPL but less than 135 percent of the FPL.
- b) Effective January 5, 1998, persons with incomes that are at least 135 percent of the FPL may receive the special monthly payment described in Section 120.73(f).

January--December-1999---114#

(Source: Emergency amendment at 22 Ill. Reg. \_\_\_\_\_, effective January 5, 1998, for a maximum of 150 days)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.380 Assets

EMERGENCY

- a) The value of nonexempt assets shall be considered in determining eligibility for WANG.
- b) WANG(C) -- Treatment of jointly held assets for AFDC WANG shall be treated in the same manner as described in 89 Ill. Adm. Code 112.150.
- c) AABD WANG -- Treatment of jointly held assets for AABD WANG shall be treated in the same manner as described in 89 Ill. Adm. Code 113.140.
- d) WANG(P) - All assets are exempt from consideration in determining WANG(E) eligibility. Treatment-of--nonexempt--jointly--held--assets--feccss--equity--value-of--motor-vehicle--liquid--assets--such--as--cash--on--hand--of--in--banks--and--other--securities--shall--be--treated--in--the--same--manner--as--described--in--89--Ill--Adm--Code--112.150.
- e) Treatment of potential payments from a Medicaid qualifying trust for AABD WANG and APPE WANG(C) shall be treated in the same manner as described in Section 120.346.
- f) Trusts established on or after August 11, 1993, shall be treated in the manner described in Section 120.347.
- g) The value of a life estate shall be determined at the time the life estate in the property is established and at the time the property (for example, assets) is liquidated. In determining the value of a life estate and remainder interest based on the value of the property at the time the life estate is established or on the amount received when the property is liquidated, the Department shall apply the values described in Section 120.346 A. The life estate and remainder interest are based on the age of the person at the time the life estate in the property is established and at the time the property is liquidated and the corresponding values described in Section 120.346 A.

(Source: Emergency amendment at 22 Ill. Reg. \_\_\_\_\_, effective January 5, 1998, for a maximum of 150 days)

## Section 120.381 Exempt Assets

EMERGENCY

- a) The following assets are exempt from consideration in determining eligibility for WANG(C).
- 1) A home which is the usual residence of the assistance unit.
  - 2) Clothing, personal effects and household furnishings.
  - 3) One automobile if the equity value does not exceed \$1500.
  - 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.)
  - 5) The value of the U.S. Department of Agriculture donated foods

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for child under the National School Lunch Act, as amended.
  - 7) Donations or benefits from fund raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (for example, ergo, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
  - b) AABD MANG-Assets exempt from consideration for AABD MANG shall be the same as those listed in 89 Ill. Adm. Code 113.141.
  - c) ~~the--following--assets--are--exempt--from--consideration--in--determining eligibility--for--MANG(?)~~
    - 1) ~~one--motor--vehicle--if--the--equity--value--does--not--exceed--\$6,000--the--excess--equity--value--is--applied--toward--the--asset--disregard~~
    - 2) ~~All--other--assets--except--for--liquid--assets--such--as--cash--on--hand--or in--banks--and--savings--institutions--stocks--bonds--savings certificates--and--other--securities.~~

(Source: Emergency amendment at 22 Ill. Reg. January 5, 1998, for a maximum of 150 days)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Peremptory Action:  
310-Appendix A, Table AA Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 6) Effective Date: December 22, 1997
- 7) A Complete Description of the Subjects and Issues Involved: In Section 310-Table AA NR-916 (Department of Natural Resources, Teamsters), the General Teamsters Professional/Technical Local NR-916 employees shall receive a one-time \$565 lump sum payment, effective July 1, 1997. Permanent part-time employees will be paid a pro-rated amount based upon the number of hours worked, which will not be added into the base salary. Employees on leave of absence who would otherwise be eligible will receive the \$565 lump sum payment upon return to the active payroll during the Fiscal Year of 1998.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principle Office: December 22, 1997
- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act. Yes
- 11) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310-Appendix D	Amended	21 Ill. Reg. 12859 (September 8, 1997)
310-Appendix G	Amended	21 Ill. Reg. 12859 (September 8, 1997)
310-230	Amended	21 Ill. Reg. 14648 (November 14, 1997)
310-270	Amended	21 Ill. Reg. 14648 (November 14, 1997)
310-280	Amended	21 Ill. Reg. 14648 (November 14, 1997)

12) Statement of Statewide Objectives: This amendment to the Pay Plan

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to: Within 45 days, comments should be written and addressed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

The full text of the Peremptory Amendment(s) begins on the next page:

## Section

310.20 Policy and Responsibilities  
310.30 Jurisdiction  
310.40 Pay Schedules  
310.50 Definitions  
310.60 Conversion of Base Salary to Pay Period Units  
310.70 Conversion of Base Salary to Daily or Hourly Equivalents  
310.80 Increases in Pay  
310.90 Decreases in Pay  
310.100 Other Pay Provisions  
310.110 Implementation of Pay Plan Changes for Fiscal Year 1997  
310.120 Interpretation and Application of Pay Plan  
310.130 Effective Date  
310.140 Reinstitution of Within Grade Salary Increases  
310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## Section

310.205 Introduction  
310.210 Prevailing Rate  
310.220 Negotiated Rate  
310.230 Part-time Daily or Hourly Special Services Rate  
310.240 Hourly Rate  
310.250 Member, Patient and Inmate Rate  
310.260 Trainee Rate  
310.270 Legislated and Contracted Rate  
310.280 Designated Rate  
310.290 Out-of-State or Foreign Service Rate  
310.300 Educator Schedule for RC-06J and HR-010  
310.310 Physician Specialist Rate  
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections  
310.330 Excluded Classes Rate (Repealed)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

## SUBPART B: SCHEDULE OF RATES

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1997
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IPPE)
TABLE H	RC-006 (Correctional Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigator and Law Enforcement Employees, IPPE)
TABLE Q	RC-033 (Meat Inspectors, IPPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IPT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1997
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule
AUTHORITY:	Implementing and authorized by Sections 8 and 8a of the Personnel Code (20 ILCS 415/8 and 8a).
SOURCE:	Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective June 13, 1986; emergency amendment at 10 Ill. Reg. 10209, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13678, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14,

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10489, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6441, effective April 8, effective February 2, 1993; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 29, 1993; maximum of 150 days; amended at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995, for a maximum of 150 days; Reg. 6452, effective May 24, 1995; peremptory amendment at 19 Ill. Reg. 6686, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11354, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4000, effective February 27,



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 22 Ill. Reg. 15030, effective November 10, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; amended at 21 Ill. Reg. 16344, effective December 8, 1997; peremptory amendment at 21 Ill. Reg. Reg. effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 16344, effective December 9, 1997.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## Section 310 APPENDIX A Negotiated Rates of Pay

## Section 310 TABLE AA NR-916 (Department of Natural Resources, Teamsters)

Effective--July-iv-1995

	Minimum Salary	Maximum Salary
Catographer-iii	2535	4535
Civil-Engineer-i	2470	3070
Civil-Engineer-ii	2530	4390
Civil-Engineer-iii	2590	4915
Civil-Engineer-Trainee	2315	3250
Engineering-Technician-i	1390	2585
Engineering-Technician-ii	1695	3800
Engineering-Technician-iii	2075	3695
Engineering-Technician-iv	2550	4795
Technical-Manager-i	1955	3485

Effective: July 1, 1997 January-iv-1996

	Minimum Salary	Maximum Salary
Catographer III	2585	4535
Civil Engineer I	2520	3870
Civil Engineer II	2685	4390
Civil Engineer III	2960	4915
Civil Engineer Trainee	2365	3250
Engineering Technician I	1420	2585
Engineering Technician II	1730	3100
Engineering Technician III	2120	3695
Engineering Technician IV	2605	4795
Technical Manager I	1955	3485

NOTE: Employees shall receive a one-time \$565 lump sum payment, effective July 1, 1997.

(Source: Peremptory amendment at 22 Ill. Reg. 16344, effective December 22, 1997)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Equine Infectious Anemia Control
- 2) Code Citation: 8 Ill. Adm. Code 116
- 3) Section Numbers: Proposed Action:  
116.60 Withdrawal
- 4) Date Notice of Proposed Amendments Published in the Illinois Register:  
September 5, 1997, 21 Ill. Reg. 12024
- 5) Reason for the Withdrawal: The proposed amendments are being withdrawn for the following reasons: The Department decided that additional clarification was not needed concerning equidae for immediate slaughter as this information is covered in the statute. In addition, the United States Department of Agriculture Form VS 1-27 is not needed to accompany equidae entering Illinois for immediate slaughter.

## DEPARTMENT OF AGRICULTURE

## JANUARY 1988 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Weights and Measures Act, 8 Ill. Adm. Code 600
- 1) Rulemaking:
- A) Description: Updates have been made to Department scale testing equipment, and therefore changes need to be made to the build up, decreasing, and repeatability tests. Changes also need to be made to clarify the external braking mechanism in the truck's brakes. Testing procedures for scales used for the enforcement of highway weight laws will be revised.
- B) Statutory Authority: Weights and Measures Act (225 ILCS 470)
- C) Scheduled meeting/hearing date: No meetings are scheduled at this time. Written comments may be submitted during the 45-day public comment period following publication of the proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: Unknown at this time.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.
- F) Agency contact person for information:  
Sid Colbrook  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-8300  
FAX: 217/524-7801
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Anhydrous Ammonia, Low Pressure Nitrogen Solutions, Equipment, Containers, and Storage Facilities, 8 Ill. Adm. Code 215
- 1) Rulemaking:
- A) Description: Proposed amendments will adopt many of the national standards for the safe handling of anhydrous ammonia allowing the Department to utilize new technology and equipment developed since the last rulemaking.
- B) Statutory Authority: Illinois Fertilizer Act of 1961 (505 ILCS

## DEPARTMENT OF AGRICULTURE

JANUARY 1988 REGULATORY AGENDA

80]

- C) Scheduled meeting/hearing date: Written comments may be sent to the attention of Mark Ringler at the address below prior to April 1, 1998.

- D) Date Agency anticipates First Notice: July 1998

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Mark Ringler  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-1082  
FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Illinois Seed Law, 8 Ill. Adm. Code 230

- 1) Rulemaking:

- A) Description: Proposed amendments will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. T2, seed count, etc.). These amendments will allow for the Department to update its services offered to those groups or individuals wishing to utilize them.

- B) Statutory Authority: Illinois Seed Law [505 ILCS 110]

- C) Scheduled meeting/hearing date: Written comments may be sent to the attention of Mark Ringler at the address below prior to March 1, 1998.

- D) Date Agency anticipates First Notice: April 1998

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

## DEPARTMENT OF AGRICULTURE

JANUARY 1988 REGULATORY AGENDA

Mark Ringler  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-1082  
FAX: 217/524-7801

- G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds, 8 Ill. Adm. Code 270

- 1) Rulemaking:

- A) Description: Section 270.350 will be amended, and pets will not be allowed to be in public areas of the fairgrounds during the State Fair. Pets used for assistance to disabled persons, for authorized competitive exhibits, shows, demonstrations at the State Fair, or other approved purposes will be allowed. Violations of this rule will be cause for termination of any contract or privilege and for removal of the pet(s) and owner(s) from the fairgrounds.

- B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14]

- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the Illinois Register.

- D) Date Agency anticipates First Notice: January 1998

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Joseph Saputo  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-0770  
FAX: 217/782-9115

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF AGRICULTURE

## JANUARY 1988 REGULATORY AGENDA

- e) Part(s) (Heading and Code Citation): Soil and Water Conservation Districts Act, 8 Ill. Adm. Code 650

1) Rulemaking:

- A) Description: Amendments to the administrative rules of the State Soil Erosion and Sediment Control Program and Guidelines of the Soil and Water Conservation Districts Act are needed in three areas to reflect changes that have occurred: (1) The name "Soil Conservation Service" needs to be changed to "Natural Resources Conservation Service"; (2) The "Universal Soil Loss Equation" has been updated and is now referred to as the "Revised Universal Soil Loss Equation"; and (3) The "Division of Natural Resources" has been renamed the "Bureau of Land and Water Resources".

- B) Statutory Authority: Soil and Water Conservation Districts Act, 70 ILCS 405

- C) Scheduled meeting/hearing date: None are scheduled at this time.

- D) Date Agency anticipates First Notice: February 1998.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Terry Donohue  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-6297  
FAX: 217/524-4882

- G) Related rulemakings and other pertinent information: None

- f) Part(s) (Heading and Code Citation):

- 1) Rulemaking: Marketing Program for Illinois Wheat and Wheat Products, 2 Ill. Adm. Code 700 APPENDIX G

- A) Description: Pursuant to P.A. 90-377, a temporary wheat development program committee appointed by the Director of the Department will develop a wheat development program proposal to be considered at a public hearing. If the final proposal is approved by the committee, a referendum will be held on the proposal within ninety days. The proposed wheat development program is approved

## DEPARTMENT OF AGRICULTURE

## JANUARY 1988 REGULATORY AGENDA

when a majority of the affected producers voting in the referendum vote in favor of the proposal. If the program is approved by referendum, the Department will file the program with the Secretary of State.

- B) Statutory Authority: P.A. 90-377, effective August 14, 1997.

- C) Scheduled meeting/hearing date: Public hearing date is not scheduled at this time.

- D) Date Agency anticipates First Notice: The wheat development program is not subject to First Notice requirements of the Illinois Administrative Procedure Act.

- E) Effect on small businesses, small municipalities or not-for-profit corporations: No adverse impact is anticipated.

- F) Agency contact person for information:

Sandy Rolando  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/782-6675  
FAX: 217/524-5960

- G) Related rulemakings and other pertinent information: None

CAPITAL DEVELOPMENT BOARD  
JANUARY 1998 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Procurement Practices 44 Ill. Adm. Code 910

1) Rulemaking: Proposed Amendments

- A) Description: The Department is proposing amendments to reflect the requirements of the Illinois Procurement Code, HB 1633.
- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 3105/9.06, 16 and 1A-11 of that Act, Architectural, Engineering, and Land Surveying, Qualifications Based Selection Act [30 ILCS 535/20] and Illinois Procurement Code, HB 1633.
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: January 1, 1998
- E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.
- F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel  
Wm. G. Stratton Building, 3rd Floor  
401 South Spring Street  
Springfield, IL 62706  
217/782-1392

G) Related rulemakings and other pertinent information: See A) above.

b) Part(s) (Heading and Code Citation): Bidder Responsibility, 44 Ill. Adm. Code 950

1) Rulemaking: Proposed Amendments

- A) Description: The Department is proposing amendments to reflect the requirements of the Illinois Procurement Code, HB 1633.
- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and Illinois Procurement Code, HB 1633.
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: January 1, 1998

CAPITAL DEVELOPMENT BOARD  
JANUARY 1998 REGULATORY AGENDA

E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.

F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel  
Wm. G. Stratton Building, 3rd Floor  
401 South Spring Street  
Springfield, IL 62706  
217/782-1392

G) Related rulemakings and other pertinent information: See A) above.

c) Part(s) (Heading and Code Citation): Trust Agreements - Using Educational Agencies, 71 Ill. Adm. Code 30

1) Rulemaking: Proposed Amendments

- A) Description: The Department is proposing amendments to reflect the requirements of the School Construction Law, HB 452.
- B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and School Construction Law, HB 452.
- C) Scheduled meeting/hearing dates: None at this time.
- D) Date agency anticipates First Notice: July 1, 1998
- E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.
- F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel  
Wm. G. Stratton Building, 3rd Floor  
401 South Spring Street  
Springfield, IL 62706  
217/782-1392

G) Related rulemakings and other pertinent information: See A) above.

d) Part(s) (Heading and Code Citation): Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program, 71 Ill. Adm. Code 40



## CAPITAL DEVELOPMENT BOARD

## JANUARY 1998 REGULATORY AGENDA

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing amendments to reflect the requirements of the Illinois Procurement Code, HB 1633 and School Construction Law, HB 452.

B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105], Illinois Procurement Code, HB 1633, and School Construction Law, HB 452.

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: February 1, 1998

E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.

F) Agency contact person for information:

Claire Gibson, Deputy Chief Counsel  
Wm. G. Stratton Building, 3rd Floor  
401 South Spring Street  
Springfield, IL 62706  
217/782-1392

G) Related rulemakings and other pertinent information: See A) above.

e) Part(s) (Heading and Code Citation): Bonding Guidelines, 71 Ill. Adm. Code 50

1) Rulemaking: Proposed Amendment

A) Description: The Department is proposing amendments to reflect the requirements of the School Construction Law, HB 452.

B) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105], and School Construction Law, HB 452.

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: July 1, 1998

E) Affect on small businesses, small municipalities or not-for-profit corporations: Unknown at this time.

F) Agency contact person for information:

## CAPITAL DEVELOPMENT BOARD

## JANUARY 1998 REGULATORY AGENDA

Claire Gibson, Deputy Chief Counsel  
Wm. G. Stratton Building, 3rd Floor  
401 South Spring Street  
Springfield, IL 62706  
217/782-1392

G) Related rulemakings and other pertinent information: See A) above.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking:

A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (ITTA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (ITTA Section 209), the Dependent Care Assistance Credit (ITTA Section 210), and the signature requirements for tax return purposes).

Part 100 will be amended by the addition of rules governing the deduction for dividends received from a corporation conducting substantially all of its operations in an enterprise zone (ITTA Sections 203(a)(2)(J), 203(b)(2)(K), 203(b)(2)(M), and 203(d)(2)(K)).

Part 100 will be amended by the addition of rules defining "financial organization" within the meaning of 35 ILCS 5/1501(a)(8) as amended by P.A. 89-711.

Part 100 will be amended by adding rules and amending existing rules governing the apportionment of business income under 35 ILCS 5/304.

Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 502(e) of the Illinois Income Tax Act.

Some rules changes will be made to Part 100, as a result of recent legislation. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. The Department will also amend Part 100 as the result of Federal Public Law 104-95 (prohibiting taxation of nonresidential retirement income). Pursuant to Federal P.L. 104-95, Part 100 will be revised to clarify that nonresident retirement income is exempt.

Finally, the Department will continue the updating of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401  
C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the next six months of this

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

year.

- E) Affect on small business, small municipalities or not for profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

F) Agency contact person for information:

Paul S. Caselton  
Senior Chief Counsel - Income Tax  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7055

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Property Tax Code, 86 Ill. Adm. Code 110

1) Rulemaking:

- A) Description: Adopt rulemaking on the valuation, assessment and taxation of leasehold estates.

- B) Statutory Authority: 35 ILCS 200/9-195, 15-55

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing this rulemaking after June 1, 1998.

- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity leasing exempt property.

F) Agency contact person for information:

Jerry Lanter  
Property Tax Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- c) Part(s) (Heading and Code Citation): Real Estate Transfer Tax, 86 Ill. Adm. Code 120

## 1) Rulemaking:

A) Description: Repeal the Real Estate Transfer Tax regulations in Part 120 of the Illinois Administrative Code. Adopt new Real Estate Transfer regulations in Part 110 of the Illinois Administrative Code which list correct form numbers, clarify departmental policy, and answer common audit problems. This is necessary because the Real Estate Transfer Tax Act, as a separate Act, was repealed and incorporated as the Real Estate Transfer Tax Law in the Property Tax Code.

B) Statutory Authority: 35 ILCS 200/31-1 through 31-70

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing this rulemaking after June 1, 1998.

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect any person or business entity transferring title to real estate unless specifically exempted under Section 31-45 of the Property Tax Code.

F) Agency contact person for information:

Jerry Lanter  
Property Tax Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

- d) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

## 1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law. The Department will also continue the updating of Part 130.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- B) Statutory Authority: 35 ILCS 120

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

G) Related rulemakings and other pertinent information: None

- e) Part(s) (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140

## 1) Rulemaking:

A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 140.

B) Statutory Authority: 35 ILCS 115

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the next six months of this year.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Use Tax, 86 Ill. Adm. Code 150

## 1) Rulemaking:

A) Description: Amendments will be made to update the Use Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 105

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 150 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Use Tax.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

g) Part(s) (Heading and Code Citation): Service Use Tax, 86 Ill. Adm. Code 160

## 1) Rulemaking:

A) Description: Amendments will be made to update the Service Use Tax regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 110

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 160 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Service Use Tax.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Bingo License and Tax Act, 86 Ill. Adm. Code 430

## 1) Rulemaking:

A) Description: Amendments will be made to update the Bingo License and Tax Act regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 35 ILCS 25

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 430 during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Bingo License and Tax Act.
- F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Pull Tabs and Jar Games Act, 86 Ill. Adm. Code 432

1) Rulemaking:

- A) Description: Amendments will be made to update the Pull Tabs and Jar Games Act regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 230 ILCS 20

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 432 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Pull Tabs and Jar Games Act.

- F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- Springfield, IL 62794  
(217) 782-7054
- G) Related rulemakings and other pertinent information: None

- j) Part(s) (Heading and Code Citation): Coin-Operated Amusement Device Tax, 86 Ill. Adm. Code 460

1) Rulemaking:

- A) Description: Amendments will be made to update the Coin-Operated Amusement Device and Redemption Machine Tax Act regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 35 ILCS 510

- C) Scheduled meetings/hearings dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 460 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Coin-Operated Amusement Device and Redemption Machine Tax Act.

- F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- k) Part(s) (Heading and Code Citation): Gas Revenue Tax, 86 Ill. Adm. Code 470

1) Rulemaking:

- A) Description: Amendments will be made to update the Gas Revenue Tax regulations to reflect new statutory developments and decisional law.



## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- B) Statutory Authority: 35 ILCS 615
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 470 during the next six months of this year.
- E) Affect small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Gas Revenue Tax.
- F) Agency contact person for information:  
George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054
- G) Related rulemakings and other pertinent information: None

- 1) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

## 1) Rulemaking:

- A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

- B) Statutory Authority: 35 ILCS 630

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: Retailers of telecommunications will be affected by these regulations.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-7054

- G) Related rulemakings and other pertinent information: None

- M) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

## 1) Rulemaking:

- A) Description: Amendments will be made to update the Motor Fuel Tax regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 35 ILCS 505

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above there will be a number of rulemakings proposed with respect to Part 500 over the next six months. We anticipate filing rulemakings amending Part 500 on a regular basis during the second six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: Distributors, suppliers and receivers of motor fuel, as well as persons paying Motor Fuel Use Tax under the International Fuel Tax Agreement.

- F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

n) Part(s) (Heading and Code Citation): Energy Assistance Charge, 86 Adm. Code 516

1) Rulemaking:

- A) Description: New rulemaking to reflect new statutory developments.
- B) Statutory Authority: 305 ILCS 20/13
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 516 during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect gas and electric utilities and their customers.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

o) Part(s) (Heading and Code Citation): Electricity Excise Tax (new)

1) Rulemaking:

- A) Description: New rulemaking to reflect new statutory developments.
- B) Statutory Authority:
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect electric utilities.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Telecommunications Municipal Infrastructure Maintenance Fee (new)

1) Rulemaking:

- A) Description: New rulemaking to reflect new statutory developments.
- B) Statutory Authority: P.A. 90-154
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect telecommunications retailers.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Payment of Taxes by Electronic Funds

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

Transfer, 86 Ill. Adm. Code 750

## 1) Rulemaking:

- A) Description: Amendments will be made to update the Payment of Taxes by Electronic Funds Transfer regulations.
- B) Statutory Authority: 35 ILCS 120
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect taxpayers making payment of taxes by electronic funds transfer.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

## G) Related rulemakings and other pertinent information: None

- r) Part(s) (Heading and Code Citation): Electronic Filing of Tax Returns, 86 Ill. Adm. Code 800

## 1) Rulemaking:

- A) Description: New rulemaking to reflect new statutory developments.
- B) Statutory Authority: 20 ILCS 2505/39c-1a
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

corporations: This rulemaking will affect taxpayers filing tax returns electronically.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

## G) Related rulemakings and other pertinent information: None

- s) Part(s) (Heading and Code Citation): Drycleaning Solvent Tax (new)

## 1) Rulemaking:

- A) Description: New rulemaking to reflect new statutory developments.
- B) Statutory Authority: P.A. 90-502
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: This rulemaking will affect persons subject to the Drycleaner Environmental Response Trust Fund Act.

## F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

## G) Related rulemakings and other pertinent information: None

- t) Part(s) (Heading and Code Citation): Special County Retailers' Occupation Tax for Public Safety, 86 Ill. Adm. Code 670

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

1) Rulemaking:

A) Description: Amendments will be made to update the Special County Retailers' Occupation Tax For Public Safety regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 55 ILCS 5

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 670 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Special County Retailers' Occupation Tax For Public Safety.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

u) Part(s) (Heading and Code Citation): Special County Service Occupation Tax For Public Safety, 86 Ill. Adm. Code 680

1) Rulemaking:

A) Description: Amendments will be made to update the Special County Service Occupation Tax For Public Safety regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 55 ILCS 5

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 680 during the next six months of this year.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Special County Service Occupation Tax For Public Safety.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

v) Part(s) (Heading and Code Citation): Alcoholic Liquor Act, 86 Ill. Adm. Code 420

1) Rulemaking:

A) Description: Amendments will be made to update the Alcoholic Liquor Act regulations to reflect new statutory developments and decisional law.

B) Statutory Authority: 235 ILCS 5

C) Scheduled meetings/hearing dates: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 420 during the next six months of this year.

E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Liquor Control Act of 1934.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, 5-500  
Springfield, IL 62794  
(217) 782-6996

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- w) Part(s) (Heading and Code Citation): Cigarette Tax Act, 86 Ill. Adm. Code 440

1) Rulemaking:

- A) Description: Amendments will be made to update the Cigarette Tax Act regulations to reflect new statutory developments and decisional law.
- B) Statutory Authority: 35 ILCS 130
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.
- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 440 during the next six months of this year.
- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Tax Act.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, S-500  
Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- x) Part(s) (Heading and Code Citation): Cigarette Use Tax Act, 86 Ill. Adm. Code 450

1) Rulemaking:

- A) Description: Amendments will be made to update the Cigarette Use Tax Act regulations to reflect new statutory developments and decisional law.
- B) Statutory Authority: 35 ILCS 135
- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 450 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Cigarette Use Tax Act.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, S-500  
Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

- y) Part(s) (Heading and Code Citation): Uniform Penalty and Interest Act, 86 Ill. Adm. Code 700

1) Rulemaking:

- A) Description: Amendments will be made to update the Uniform Penalty and Interest Act regulations to reflect new statutory developments and decisional law.

- B) Statutory Authority: 35 ILCS 735

- C) Scheduled meetings/hearing dates: No schedule has been established at this time.

- D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 700 during the next six months of this year.

- E) Affect on small business, small municipalities or not for profit corporations: These amendments will affect persons subject to the Uniform Penalty and Interest Act.

F) Agency contact person for information:

George Sorensen  
Associate Chief Counsel  
Illinois Department of Revenue  
101 W. Jefferson, S-500



## DEPARTMENT OF REVENUE

## JANUARY 1998 REGULATORY AGENDA

Springfield, IL 62794  
(217) 782-6996

- G) Related rulemakings and other pertinent information: None

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

- A) Description: The Teachers' Retirement System ("System") anticipates amending and adding rules in order to clarify issues concerning the benefit program's compliance with applicable law.
- B) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meetings/hearing dates: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: Unknown
- E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Carl R. Mowery, General Counsel  
Teachers Retirement System  
2815 West Washington, P.O. Box 19253  
Springfield, IL 62794-9253  
(217) 753-0375

- G) Related rulemakings and other pertinent information: The System is currently in the process of promulgating several rules, both emergency and proposed, which were published in Issue 52 of the Illinois Register on December 26, 1997.

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Business Logo Signing Program; 92 Ill. Adm. Code 542

1) Rulemaking:

A) Description: This Part was established to regulate the use of business logos displayed along various Interstate highways. It established standards, specifications and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos provide motorists with travel-related directional information to facilities offering gas, food, lodging and camping. The Department will propose technical changes to close loopholes and to address things not previously covered in the original Part.

- B) Statutory Authority: 225 ILCS 440/4.08 and 14.01 and 605 ILCS 5/4-201.1

C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect small businesses and possibly not-for-profit organizations. Small municipalities will not be impacted by this rule.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Tourist Oriented Directional Signing; 92 Ill. Adm. Code \_\_\_\_\_

1) Rulemaking:

A) Description: This Part will establish standards, specifications, and financial responsibility for a program of placing tourist oriented business signs along various state highways in rural areas. The displayed signs will provide motorists with

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

- directional information to facilities providing services to tourists.

- B) Statutory Authority: 605 ILCS 5/4-201.1, 625 ILCS 5/11-303, and 225 ILCS 440/4.01, 4.08 and 14.01

C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: Will impact small businesses and possibly not-for-profit corporations and small municipalities interested in displaying signs.

- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Inspection Procedures for Type II and Special Education School Buses (92 Ill. Adm. Code 443 and 445)

1) Rulemaking:

A) Description: These Parts will be amended to remove language relevant to the school bus driver's pretrip inspection requirements and to include requirements for crossing control arms as required by P.A. 90-108, effective July 14, 1997. These amendments will also update and correct the Parts.

- B) Statutory Authority: Implementing and authorized by Article VIII of the Illinois Vehicle Equipment Law (625 ILCS 5/Ch. 12, Art. VIII as amended by P.A. 90-108, effective July 14, 1997) and the Illinois Vehicle Inspection Law (625 ILCS 5/Ch. 13)

C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

corporations: This rulemaking will affect small businesses and municipalities that own or operate school buses.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

G) Related rulemakings and other pertinent information: School Bus Driver's Pretrip Inspection Requirements (92 Ill. Adm. Code 458) and Minimum Safety Standards for Construction of Type I and Type II School Buses (92 Ill. Adm. Code 440 and 442).

d) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Type I School Buses and Minimum Safety Standards for Construction of Type II School Buses; 92 Ill. Adm. Code 440 and 442

1) Rulemaking:

A) Description: These amendments will establish standards for crossing control arms as required by P.A. 90-108, effective July 14, 1997. Additionally, these Parts will be updated and corrected.

B) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-807.2 of the Illinois Vehicle Code (as added by P.A. 90-108, effective July 14, 1997) [625 ILCS 5/12-Article VIII, as amended by P.A. 90-108].

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses that own or operate school buses in Illinois. They will also affect any small business that manufactures crossing control arms for sale or distribution.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

G) Related rulemakings and other pertinent information: 92 Ill. Adm. Code 441 and 443 (Inspection Procedures for Types I and II School Buses)

e) Part(s) (Heading and Code Citation): Illinois Motor Carrier Safety Regulations; 92 Ill. Adm. Code 386, 390, 391, 392, 393, 395, 396 and 397

1) Rulemaking:

A) Description: These amendments will establish post-trip vehicle inspection requirements for commercial motor vehicles operating in Intrastate Commerce, as required by P.A. 90-228, effective July 25, 1997. Additionally, these amendments will update the regulations to conform with recently adopted federal changes. Finally, a procedural change will be proposed to the civil penalty proceeding (Part 386).

B) Statutory Authority: Implementing and authorized by Sections 189-102 and 189-105 of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 189, as amended by P.A. 90-228, effective July 25, 1997]

C) Scheduled meeting/hearing date: None scheduled

D) Date agency anticipates First Notice: Within six months

E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will affect small businesses and not-for-profit corporations that operate commercial motor vehicles in Illinois. Municipalities will not be affected by these amendments.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

- f) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455

## 1) Rulemaking:

- A) Description: These amendments will update and correct Part 455 which has not been amended since 1983.
- B) Statutory Authority: Implementing and authorized by Sections 1 through 5 of the Cycle Rider Safety Training Act [625 ILCS 35/1 et seq.]
- C) Scheduled meeting/hearing date: None scheduled
- D) Date agency anticipates First Notice: Within six months
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

- G) Related rulemakings and other pertinent information: None

- g) Part(s) (Heading and Code Citation): Land Acquisition and Relocation Assistance for Airport Projects; 92 Ill. Adm. Code \_\_\_\_\_

## 1) Rulemaking:

- A) Description: The Department, Division of Aeronautics, intends to promulgate a rule which provides for procedures to be followed by Division personnel and airport owners when applying the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to airport projects receiving federal financial assistance that involve the acquisition of land or the displacement of persons, farm operators, or businesses. By incorporating by reference the Federal Aviation Administration's guidelines contained in Order #5100.37A entitled "Land Acquisition and Relocation Assistance for Airport Projects", dated April 4, 1994, the Division will establish a uniform policy for the acquisition of real property for airport projects receiving federal financial

## DEPARTMENT OF TRANSPORTATION

## JANUARY 1998 REGULATORY AGENDA

assistance.

- B) Statutory Authority: 620 ILCS 5

- C) Scheduled meeting/hearing date: None scheduled

- D) Date agency anticipates First Notice: Within six months

- E) Effect on small businesses, small municipalities or not for profit corporations: To the extent that small businesses will be displaced and/or eligible to receive federal financial assistance, they will be impacted by this part.

## F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
Office of Chief Counsel, Room 300  
2300 South Dirksen Parkway  
Springfield, IL 62764  
217-782-3215

- G) Related rulemakings and other pertinent information: None

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
JANUARY 14, 1998

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Agenda

1. General Programmatic Requirements (89 Ill Adm Code 220)  
-First Notice Published: 21 Ill Reg 9890 - 8/1/97  
-Expiration of Second Notice: 2/5/98
2. Older Americans Act Programs (89 Ill Adm Code 230)  
-First Notice Published: 21 Ill Reg 9917 - 8/1/97  
-Expiration of Second Notice: 2/8/98
3. Community Care Program (89 Ill Adm Code 240)  
-First Notice Published: 21 Ill Reg 9879 - 8/1/97  
-Expiration of Second Notice: 2/5/98
4. Telecommunications Enforcement (83 Ill Adm Code 766)  
-First Notice Published: 21 Ill Reg 12886 - 9/26/97  
-Expiration of Second Notice: 1/18/98

Commerce Commission

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
JANUARY 14, 1998

Gaming Board

5. Riverboat Gambling (86 Ill Adm Code 3000)  
-First Notice Published: 21 Ill Reg 13444 - 10/10/97  
-Expiration of Second Notice: 1/25/98

Human Rights

6. Financial Institutions (38 Ill Adm Code 800)  
-First Notice Published: 21 Ill Reg 3792 - 3/28/97  
-Expiration of Second Notice: 2/11/98

Insurance

7. Individual and Group Life Insurance Policy Illustrations (50 Ill Adm Code 1406)  
-First Notice Published: 21 Ill Reg 12382 - 9/12/97  
-Expiration of Second Notice: 2/8/98

Natural Resources

8. Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)  
-First Notice Published: 21 Ill Reg 14144 - 10/31/97  
-Expiration of Second Notice: 2/1/98

Pollution Control Board

9. Effluent Standards (35 Ill Adm Code 304)  
-First Notice Published: 21 Ill Reg 13500 - 10/10/97  
-Expiration of Second Notice: 1/22/98

Professional Regulation

10. Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)  
-First Notice Published: 21 Ill Reg 14154 - 10/31/97  
-Expiration of Second Notice: 2/11/98

The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)

11. The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)  
-First Notice Published: 21 Ill Reg 14498 - 11/7/97  
-Expiration of Second Notice: 2/11/98



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
JANUARY 14, 1998

12. Nursing Home Administrators Licensing and Disciplinary Act (68 Ill Adm Code 1310)  
-First Notice Published: 21 Ill Reg 14158 - 10/31/97  
-Expiration of Second Notice: 2/11/98
13. Physician Assistant Practice Act of 1987 (68 Ill Adm Code 1350)  
-First Notice Published: 21 Ill Reg 14162 - 10/31/97  
-Expiration of Second Notice: 2/11/98
14. The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)  
-First Notice Published: 21 Ill Reg 11625 - 8/22/97  
-Expiration of Second Notice: 2/11/98
15. Clinical Social Work and Social Work Practice Act (68 Ill Adm Code 1470)  
-First Notice Published: 21 Ill Reg 14150 - 10/31/97  
-Expiration of Second Notice: 2/11/98
- Public Aid
16. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 21 Ill Reg 13032 - 9/26/97  
-Expiration of Second Notice: 1/31/98
- Racing Board
17. Medication (11 Ill Adm Code 603)  
-First Notice Published: 21 Ill Reg 13281 - 10/3/97  
-Expiration of Second Notice: 1/24/98
- Revenue
18. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 21 Ill Reg 13085 - 9/26/97  
-Expiration of Second Notice: 1/16/98
19. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 21 Ill Reg 13788 - 10/17/97  
-Expiration of Second Notice: 1/31/98

## EMERGENCY AND PEREMPTORY RULEMAKINGS

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
JANUARY 14, 1998

Central Management Services

20. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
-Notice Published: 21 Ill Reg 16465 - 12/19/97

21. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
-Notice Published: 21 Ill Reg 17167 - 12/26/97

Commerce Commission

22. Telephone Assistance Programs (83 Ill Adm Code 757) (Emergency)  
-Notice Published: 21 Ill Reg 16416 - 12/19/97

Insurance

23. Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds (50 Ill Adm Code 4404) (Emergency)  
-Notice Published: 21 Ill Reg 16453 - 12/19/97

24. Investment Fee Disclosure Requirements For Pension Funds (50 Ill Adm Code 4430) (Emergency)  
-Notice Published: 21 Ill Reg 17154 - 12/26/97

Teachers Retirement System

25. The Administration And Operation Of The Teachers' Retirement System (80 Ill Adm Code 1650) (Emergency)  
-Notice Published: 21 Ill Reg 17159 - 12/26/97

## AGENCY RESPONSE

Historic Preservation Agency

26. Rules for the Protection, Treatment and Inventory of Archaeological and Paleontological Resources on Public Lands (17 Ill Adm Code 4190)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 23, 1997 through December 29, 1997 and have been scheduled for review by the Committee at its January 14, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/29/98	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	10/10/97 21 Ill Reg 13444	1/14/98
2/5/98	Department on Aging, General Programmatic Requirements (89 Ill Adm Code 220)	8/1/97 21 Ill Reg 9890	1/14/98
2/5/98	Department on Aging, Older Americans Act Programs (89 Ill Adm Code 230)	8/1/97 21 Ill Reg 9917	1/14/98
2/5/98	Department on Aging, Community Care Program (89 Ill Adm Code 240)	8/1/97 21 Ill Reg 9879	1/14/98
2/5/98	Department of Insurance, Individual and Group Life Insurance Policy Illustrations (50 Ill Adm Code 1406)	9/12/97 21 Ill Reg 12382	1/14/98
2/11/98	Department of Professional Regulation, The Illinois Speech-Language Pathology and Audiology Practice Act (68 Ill Adm Code 1465)	8/22/97 21 Ill Reg 11625	1/14/98
2/11/98	Department of Professional Regulation, Clinical Social Work and Social Work Practice Act (68 Ill Adm Code 1470)	10/31/97 21 Ill Reg 14150	1/14/98
2/11/98	Department of Professional Regulation, Marriage and Family Therapy Licensing Act (68 Ill Adm Code 1283)	10/31/97 21 Ill Reg 14154	1/14/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

2/11/98	Department of Professional Regulation, Nursing Home Administrators Licensing and Disciplinary Act (68 Ill Adm Code 1310)	10/31/97 21 Ill Reg 14158	1/14/98
2/11/98	Department of Professional Regulation, Physician Assistant Practice Act of 1987 (68 Ill Adm Code 1350)	10/31/97 21 Ill Reg 14162	1/14/98
2/11/98	Department of Professional Regulation, The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)	11/7/97 21 Ill Reg 14498	1/14/98
2/11/98	Department of Human Rights, Financial Institutions (38 Ill Adm Code 800)	3/28/97 21 Ill Reg 3792	1/14/98

## EXECUTIVE ORDER

97-3

EXECUTIVE ORDER ABOLISHING THE GOVERNOR'S SCIENCE  
ADVISORY COMMITTEE AND CREATING THE ILLINOIS SCIENCE  
AND TECHNOLOGY ADVISORY COMMITTEE

Whereas, Illinois' economic future is dependent upon its ability to utilize its technological resources to prepare its industries for competition in the global marketplace; and

Whereas, Illinois must anticipate and respond to emerging scientific and environmental trends as we enter the next century; and

Whereas, Illinois must capitalize on its rich human and institutional resources to design long-range plans and policies for continued prosperity of Illinois; and

Whereas, Illinois must remain competitive in national opportunities and find innovative ways to respond to changes in federal funding and programs; and

Whereas, the Office of the Lieutenant Governor is uniquely qualified to centralize and coordinate the state's planning efforts in the areas of science, math, technology and the environment;

Therefore, I, Jim Edgar, hereby order the following:

1. There is created an Illinois Science and Technology Advisory Committee which shall be located within the Office of the Lieutenant Governor.

2. The Governor's Science Advisory Committee created by Executive Order Number 10 (1991) is hereby abolished, and the committee membership shall be transferred to the Illinois Science and Technology Advisory Committee.

3. The Illinois Science and Technology Advisory Committee shall be appointed by the Governor and shall be composed of representatives from academia, business, science and environmental communities and government agencies. The Governor shall also name a Chairman.

4. The Lieutenant Governor may designate a person from his staff to serve as Executive Director of the Committee. The Executive Director shall coordinate the functions of the Advisory Committee and shall report to the Lieutenant Governor.

5. The Illinois Science and Technology Advisory Committee shall:

a. Advise the Governor and Lt. Governor on science and math education; research and development; uses and applications of technology to achieve statewide objectives; and environmental trends and priorities;

b. Assist in the coordination of activities between the Illinois State Board of Education, Illinois Board of Higher Education, Illinois Community College Board, Illinois Mathematics and Science Academy, Teachers Academy for Math And Science, labs, museums, colleges, universities and state agencies to improve math, science and technology literacy for students of all ages throughout Illinois;

c. Work in conjunction with the Department of Commerce and Community Affairs, the Illinois Coalition, the Human Resource Investment Council and other interested organizations or Agencies to develop state policies impacting science and technology, and evaluate

## EXECUTIVE ORDER

their effect on productivity and competitiveness;

d. Work in cooperation with the Department of Commerce and Community Affairs, the Illinois Coalition, the Human Resource Investment Council and other interested organizations or Agencies to obtain private and federal research and development funds and develop projects capable of commercialization;

e. Review grant applications for the Technology Challenge Grant program and make recommendations to DCCA.

f. Create collaborative partnerships with national labs, colleges, universities, schools, museums, businesses and governmental entities to maximize federal funding opportunities and programs;

g. Explore innovative ways to deliver educational and environmental services through the use of technology;

h. Work with the state educational and environmental Agencies to expand conservation and environmental literacy of Illinois citizens;

i. Study environmental trends and work in cooperation with appropriate governmental Agencies to inform the public about contemporary and emerging environmental issues; and

j. Perform such other functions as are necessary to fulfill its duties under law and Executive Order.

6. Executive Order Number Ten (1991) is hereby repealed.

7. This Executive Order shall be effective immediately.

Issued by the Governor December 18, 1997.

Filed by the Secretary of State December 18, 1997.

97-4

## FLOOD TRANSFER I, 1997

Whereas, torrential rainfall caused sewers to backup and flooded basements throughout the Chicago Metropolitan Area in August 1997; and

Whereas, in August 1997, I declared Cook County a disaster area and requested the President of the United States to also declare a major disaster in this area; and

Whereas, I hereby find that the demands placed on funds regularly appropriated to the Illinois Emergency Management Agency to cope with this disaster are unexpectedly great; and

Whereas, I find that the appropriation to the Illinois Emergency Management Agency for expenditures from the General Revenue Fund is insufficient to match the expected receipt of federal funds to be granted to the state, local governments, individuals and families, and certain private non-profit organizations; and

Whereas, I find that other sources of money to cope with this disaster are insufficient; and

Whereas, Section 9 of the Illinois Emergency Management Act (20 ILCS 3305/9) authorizes the Governor to transfer and expend moneys appropriated for other purposes to cope with a disaster when other sources of money are insufficient or to borrow for a term not to exceed two years from the United States government or other public or private source, until such time as a quorum of the General Assembly can convene to enact legislation as it may deem

## EXECUTIVE ORDER

necessary; and

Whereas, the President of the Senate and the Speaker of the House have certified that the Senate and House are not in regular session or in extraordinary session relating to this disaster;

Therefore, pursuant to the power vested in me by the Illinois Constitution, and Section 9 of the Illinois Emergency Management Agency Act, I, Jim Edgar, hereby order the following:

A total of \$5,625,000 of expenditure authority shall be transferred from the General Revenue Fund appropriated to the Illinois Department of Human Services, Article 32, Section 8, "For Temporary Assistance for Needy Families under Article IV" to the Illinois Emergency Management Agency, for "Disaster Relief, Individual, Payable from the General Revenue Fund: State Share of Individual and Family Grant Program for Disaster Declarations: In Fiscal Year 1998," Article 58, Section 5 of P.A. 90-0010.

This Executive Order Number 4 (1997) shall be effective upon filing with the Secretary of State.

Issued by the Governor December 22, 1997.

Filed by the Secretary of State December 22, 1997.

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [juntale@egate.sos.state.il.us](mailto:juntale@egate.sos.state.il.us) (Internet address).

## PROPOSED

35-725-1  
35-726-1  
35-728-1  
35-733-1  
11-1138-2  
35-738-1  
14-180-2  
35-739-1  
14-500-2  
20-1570-1  
41-140-2  
23-50-2  
44-910-2  
35-183R-1  
35-190R-2  
35-195R-2  
35-218-2  
35-219-2  
38-390R-1  
59-50-1  
74-730-2  
74-750-2  
83-650-1  
86-100-1  
86-495-1  
86-516-1  
86-750-2  
86-3000-1  
89-101-1  
89-120-1, 2  
89-140-1

## ADOPTED

2-926-2  
8-600-2  
20-504-2  
20-505-2  
29-620-2  
35-302-2  
35-303-2  
35-304-2  
35-702-1  
35-703-1  
35-720-1  
35-721-1  
35-722-1  
35-723-1  
35-724-1

## EMERGENCY

20-1570-1  
23-650-2  
32-422-2  
38-110-2  
38-140-2  
38-160-2  
62-240-1  
86-516-1  
86-3000-1  
89-120-2

## PEREMPTORY

80-310-2





**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

\_\_\_\_ 1977-1978 \_\_\_\_ 1979 \_\_\_\_ 1980 \_\_\_\_ 1981 \_\_\_\_ 1982 \_\_\_\_ 1983 \_\_\_\_ 1984 \_\_\_\_ 1985 \_\_\_\_ 1986  
\_\_\_\_ 1987 \_\_\_\_ 1988 \_\_\_\_ 1989 \_\_\_\_ 1990 \_\_\_\_ 1991 \_\_\_\_ 1992 \_\_\_\_ 1993 \_\_\_\_ 1994 \_\_\_\_ 1995 \_\_\_\_ 1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_\_\_\_ 1981 \_\_\_\_ 1982 \_\_\_\_ 1983 \_\_\_\_ 1984 \_\_\_\_ 1985 \_\_\_\_ 1986 \_\_\_\_ 1987 \_\_\_\_ 1988 \_\_\_\_ 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

\_\_\_\_ 1984 \_\_\_\_ 1985 \_\_\_\_ 1986 \_\_\_\_ 1987 \_\_\_\_ 1988 \_\_\_\_ 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

\_\_\_\_ 1990 \_\_\_\_ 1991 \_\_\_\_ 1992 \_\_\_\_ 1993 \_\_\_\_ 1994 \_\_\_\_ 1995 \_\_\_\_ 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

\_\_\_\_ (VOLUME #)

\_\_\_\_ (ISSUE #)

\_\_\_\_ (ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

\_\_\_\_ NEW \_\_\_\_ RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY @\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$ \_\_\_\_\_

\_\_\_\_ CHECK \_\_\_\_ VISA \_\_\_\_ MC \_\_\_\_ DISCOVER CARD#: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS: \_\_\_\_\_)

\_\_\_\_\_  
(NAME, PLEASE TYPE OR PRINT)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

OR FAX: (217) 854-0308

GEORGE H. RYAN  
SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE  
SPRINGFIELD, IL 62756

